

proposed single term of six years; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DIFENDERFER: Memorial of the Order of Independent Americans of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DONOHUE: Memorial of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the Hebrew Veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Central Council of Social Agencies, of St. Louis, Mo., favoring passage of Senate bill 1, providing a bureau of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Antikamnia Chemical Co., of St. Louis, Mo., against passage of the Wright bill, a bill imposing a tax upon the production, etc., of habit-forming drugs; to the Committee on Ways and Means.

Also, petition of the Schmetzer Arms Co., of Kansas City, Mo., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, petition of the Charles F. Luehrmann Hardwood Lumber Co., of St. Louis, Mo., relative to shippers having the same opportunity to go to court to correct mistakes as the carriers; to the Committee on the Judiciary.

Also, petition of the American Embassy Association, favoring passage of House bill 22589, for legation and consular buildings; to the Committee on Foreign Affairs.

Also, petition of Mary F. Manis, of St. Louis, Mo., favoring passage of the Roddenbery-Simmons antiprize-fight bill so amended as to prohibit films of prize fights being sent from one State to another; to the Committee on Patents.

Also, petition of the Liquor Dealers' Benevolent Association of St. Louis, Mo., against passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Wagner Electric Manufacturing Co., of St. Louis, Mo., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Petition of the American Truth Society, of Paterson, N. J., against passage of bill to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. KINKEAD of New Jersey: Petition of citizens of New Jersey, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the National Shorthand Reporters' Association, favoring civil-service laws affecting court reporters; to the Committee on the Judiciary.

Also, petition of the National Association of Piano Merchants of America, against passage of the Oldfield bill, proposing change in the patent laws; to the Committee on Patents.

By Mr. MAGUIRE of Nebraska: Petition of citizens of the first district of Nebraska, favoring regulation of express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petition of citizens of the State of Michigan, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of the American Embassy Association, favoring passage of House bill 22589, for improvement of foreign service; to the Committee on Foreign Affairs.

Also, petition of the Shorthand Club, of New York, against passage of the Slep bill (H. R. 4036) to provide reporters for United States district courts; to the Committee on the Judiciary.

Also, petition of the National Association of Piano Merchants of America, against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. SABATH: Memorial of the First Bersorssien Congregation and Congregation Anehir Odessa, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Shorthand Club, of New York, against passage of the Slep bill (H. R. 4036) to provide official shorthand reporters for United States district courts; to the Committee on the Judiciary.

Also, petition of the National Association of Piano Merchants of America, against passage of the Oldfield bill, proposing change in the patent laws; to the Committee on Patents.

By Mr. YOUNG of Texas: Petition of citizens of Gilmer and adjacent territory in Texas, favoring preservation of the old Smithsonian weather records; to the Committee on Agriculture.

SENATE.

WEDNESDAY, July 17, 1912.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Smoor and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martine, N. J.	Smith, Ariz.
Bacon	Fletcher	Massey	Smith, Ga.
Borah	Gallinger	Myers	Smith, S. C.
Brandegee	Gardner	O'Germain	Smoot
Bristow	Gronna	Overman	Stone
Bryan	Heyburn	Page	Sutherland
Burham	Hitchcock	Paynter	Swanson
Burton	Johnson, Me.	Percy	Thornton
Chamberlain	Johnson, Ala.	Perkins	Tillman
Clapp	Jones	Pomerene	Warren
Clark, Wyo.	Kenyon	Reed	Wetmore
Crawford	McCumber	Root	Williams
Culberson	McLean	Shively	Works
Cummins	Martin, Va.	Simmons	

Mr. THORNTON. I announce the necessary absence of my colleague [Mr. FOSTER] on account of illness. I make this announcement for the day.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 56. An act to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations;

H. R. 22913. An act to create a department of labor; and

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation in the town of Okanogan, State of Washington, for public-park purposes;

S. 1152. An act granting an increase of pension to Mary Bradford Crowninshield;

S. 4745. An act to consolidate certain forest lands in the Paulina (Oreg.) National Forest;

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908;

S. 6084. An act granting pensions and increase of pensions to certain soldiers of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation;

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes;

H. R. 17239. An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 20501. An act to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange, or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 220. A joint resolution to grant American citizenship to Eugene Prince.

RECLAMATION OF WET LANDS (S. DOC. NO. 877).

Mr. WILLIAMS. Mr. President, I hold in my hand a document on the subject of the reclamation of wet lands in the United States, being resolutions of the National Drainage Congress in convention at New Orleans, April 10 to 13, 1912, with an address of M. O. Leighton, Chief Hydrographer, United States Geological Survey, on the national aspect of drainage.

I ask unanimous consent that it may be published as a Senate document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi?

Mr. HEYBURN. We on this side could not hear the statement the Senator made.

Mr. WILLIAMS. Let the statement be read from the desk.

The SECRETARY. Resolutions of the National Drainage Congress, in convention at New Orleans, April 10 to 13, 1912—

Mr. HEYBURN. I have no objection.

The PRESIDENT pro tempore. Without objection, the paper will be printed as a Senate document.

REPORTS OF COMMITTEES.

Mr. MARTINE of New Jersey, from the Committee on Claims, to which was referred the bill (H. R. 7650) for the relief of I. S. Rogers and J. L. Worthley, reported it without amendment and submitted a report (No. 929) thereon.

Mr. BORAH, from the Committee on Education and Labor, to which was referred the bill (S. 6172) to regulate the method of directing the work of Government employees, reported it with amendments and submitted a report (No. 930) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 3223) to correct the military record of Job Metts, submitted an adverse report (No. 931) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SMITH of South Carolina, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 7071) to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas, reported it without amendment.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (H. R. 12375) authorizing Daniel W. Abbott to make homestead entry, reported it without amendment and submitted a report (No. 933) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 1154) for the relief of F. W. Theodore Schroeter, reported it with an amendment and submitted a report (No. 934) thereon.

He also, from the same committee, to which was referred the bill (H. R. 20873) for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Siverd, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Martin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Meyer, all of Allegheny County, Pa., reported it without amendment and submitted a report (No. 935) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 6033. A bill for the relief of the sufferers of the *Maine* (Rept. No. 936); and

S. 3658. A bill for the relief of J. N. Whittaker (Rept. No. 937).

Mr. ROOT, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 103) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, to determine the amount due, if any, and to press them for payment, reported it with an amendment and submitted a report (No. 938) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 16191. An act to convey certain real estate in the village of Jonesville, Hillsdale County, Mich. (Rept. No. 939);

H. R. 1248. An act to authorize the Secretary of the Interior to convey a certain frame building (Rept. No. 940); and

H. R. 24598. An act for the relief of Jesus Silva, jr. (Rept. No. 941).

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (H. R. 2875) to provide for the

exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest, reported it without amendment and submitted a report (No. 942) thereon.

PROTECTION OF NURSERY STOCK.

Mr. CHAMBERLAIN. From the Committee on Agriculture and Forestry I report back favorably, with an amendment in the nature of a substitute, the bill (S. 4468) to regulate the importation and interstate transportation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal Horticultural Commission, and to define the powers of this commission in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, and I submit a report (No. 932) thereon. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

Mr. SMOOT. I should like to ask if it is a very long bill. It is the desire to go on with the sundry civil appropriation bill this morning.

Mr. CHAMBERLAIN. The bill is a little long, but it is a measure of the greatest urgency. It is for the purpose of preventing the importation into this country of infested nursery stock and fruit. It is desired by the California people at this time, because they are threatened with what is known as the Mediterranean fly. That is a fruit pest which operates on fruit very much as the boll weevil operates on cotton in the South. The larvae of the pest are in the fruit itself, and develop into a very destructive pest when they once become prevalent. Owing to the urgency of the situation, the people out there are very anxious to have something done.

Mr. SMOOT. It is a Senate bill?

Mr. CHAMBERLAIN. It is a Senate bill, but a favorable report has been made on a similar bill in the House of Representatives, and it is pending there now.

Mr. SMOOT. I shall not object to the consideration of this bill, but I shall object to any further unanimous consent being given for the consideration of a bill when reported this morning.

The PRESIDENT pro tempore. The bill will be read, if there be no objection.

The SECRETARY. The amendment of the committee is to strike out all after the enacting clause and insert:

That it shall be unlawful for any person to import or offer for entry into the United States any nursery stock unless and until a permit shall have been issued therefor by the Secretary of Agriculture, under such conditions and regulations as the said Secretary of Agriculture may prescribe, and unless such nursery stock shall be accompanied by a certificate of inspection, in manner and form as required by the Secretary of Agriculture, of the proper official of the country from which the importation is made, to the effect that the stock has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests: *Provided*, That the Secretary of Agriculture shall issue the permit for any particular importation of nursery stock when the conditions and regulations as prescribed in this act shall have been complied with: *Provided further*, That nursery stock may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe: *And provided further*, That nursery stock imported from countries where no official system of inspection for such stock is maintained may be admitted upon such conditions and under such regulations as the Secretary of Agriculture may prescribe.

SEC. 2. That it shall be the duty of the Secretary of the Treasury promptly to notify the Secretary of Agriculture of the arrival of any nursery stock at port of entry; that the person receiving such stock at port of entry shall, immediately upon entry and before such stock is delivered for shipment or removed from the port of entry, advise the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or the District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, of the name and address of the consignee, the nature and quantity of the stock it is proposed to ship, and the country and locality where the same was grown. That no person shall ship or offer for shipment from one State or Territory or District of the United States into any other State or Territory or District, any nursery stock imported into the United States without notifying the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, immediately upon the delivery of the said stock for shipment, of the name and address of the consignee, of the nature and quantity of the stock it is proposed to ship, and the country and locality where the same was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States.

SEC. 3. That no person shall import or offer for entry into the United States any nursery stock unless the case, box, package, crate, bale, or bundle thereof shall be plainly and correctly marked to show the general nature and quantity of the contents, the country and locality where the same was grown, the name and address of the shipper, owner, or person shipping or forwarding the same, and the name and address of the consignee.

SEC. 4. That no person shall ship or deliver for shipment from one State or Territory or District of the United States into any other State or Territory or District any such imported nursery stock the case, box, package, crate, bale, or bundle whereof is not plainly marked so as to show the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where such stock

was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States.

SEC. 5. That whenever the Secretary of Agriculture shall determine that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock" as defined in section 6 of this act may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests, he shall promulgate his determination, specifying the class of plants and plant products the importation of which shall be restricted and the country and locality where they are grown, and thereafter, and until such promulgation is withdrawn, such plants and plant products imported or offered for import into the United States or any of its Territories or Districts shall be subject to all the provisions of the foregoing sections of this act: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock" as defined in section 6 of this act may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests he shall, after due notice, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney.

SEC. 6. That for the purpose of this act the term "nursery stock" shall include all field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots.

SEC. 7. That whenever, in order to prevent the introduction into the United States of any tree, plant, or fruit disease or of any injurious insect, new to or not theretofore widely prevalent or distributed within and throughout the United States, the Secretary of Agriculture shall determine that it is necessary to forbid the importation into the United States of any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products from a country or locality where such disease or insect infestation exists, he shall promulgate such determination, specifying the country and locality and the class of nursery stock or other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products which, in his opinion, should be excluded. Following the promulgation of such determination by the Secretary of Agriculture, and until the withdrawal of the said promulgation by him, the importation of the class of nursery stock or of other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the said promulgation from the country and locality therein named, regardless of the use for which the same is intended, is hereby prohibited; and until the withdrawal of the said promulgation by the Secretary of Agriculture, and notwithstanding that such class of nursery stock, or other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products be accompanied by a certificate of inspection from the country of importation, no person shall import or offer for entry into the United States from any country or locality specified in such promulgation any of the class of nursery stock or of other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products named therein, regardless of the use for which the same is intended: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to forbid the importation into the United States of the articles named in this section he shall, after due notice to interested parties, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney: *Provided further*, That the quarantine provisions of this section, as applying to the white-pine blister rust, potato wart, and the Mediterranean fruit fly, shall become and be effective upon the passage of this act.

SEC. 8. That the Secretary of Agriculture is authorized and directed to quarantine any State, Territory, or District of the United States, or any portion thereof, when he shall determine the fact that a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States, exists in such State or Territory or District; and the Secretary of Agriculture is directed to give notice of the establishment of such quarantine to common carriers doing business in or through such quarantined area, and shall publish in such newspapers in the quarantined area as he shall select notice of the establishment of quarantine. That no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the notice of quarantine except as hereinafter provided. That it shall be unlawful to move or allow to be moved any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the notice of quarantine hereinafter provided, and regardless of the use for which the same is intended, from any quarantined State or Territory or District of the United States, or quarantined portion thereof, into or through any other State or Territory or District, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. That it shall be the duty of the Secretary of Agriculture to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, and method and manner of delivery and shipment of the class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the notice of quarantine hereinafter provided, and regardless of the use for which the same is intended, from a quarantined State or Territory or District of the United States, or quarantined portion thereof, into or through any other State or Territory or District; and the Secretary of Agriculture shall give notice of such rules and regulations as hereinafter provided in this section for the notice of the establishment of quarantine: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to quarantine any State, Territory, or District of the United States, or portion thereof, under the authority given in this section, he shall, after due notice to interested parties, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney.

SEC. 9. That the Secretary of Agriculture shall make and promulgate such rules and regulations as may be necessary for carrying out the purposes of this act.

SEC. 10. That any person who shall violate any of the provisions of this act, or of the rules or regulations herein provided for, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court: *Provided*, That no common carrier shall be deemed to have violated the provisions of any of the foregoing sections of this act on proof that such carrier did not knowingly receive for transportation or transport nursery stock or other plants or plant products as such from one State, Territory, or District of the United States into or through any other State, Territory, or District; and it shall be the duty of the United States attorneys diligently to prosecute any violations of this act which are brought to their attention by the Secretary of Agriculture or which come to their notice by other means.

SEC. 11. That the word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 12. That for the purpose of carrying out the provisions of this act there shall be appointed by the Secretary of Agriculture from existing bureaus and offices in the Department of Agriculture, including the Bureau of Entomology, the Bureau of Plant Industry, and the Forest Service, a Federal horticultural board consisting of five members, of whom not more than two shall be appointed from any one bureau or office, and who shall serve without additional compensation.

SEC. 13. That there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, to be expended as the Secretary of Agriculture may direct, for the purposes and objects of this act, the sum of \$25,000, which appropriation shall become immediately available.

SEC. 14. That this act shall become and be effective from and after the 1st day of October, 1912, except as herein otherwise provided.

Mr. SUTHERLAND. Mr. President—

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SUTHERLAND. I should like to hear the first part of section 10 again read.

Mr. GRONNA. Mr. President, I do not intend to object to the bill; but I desire to ask those who are most interested in it, especially the Senator from California, if it should not be amended?

The PRESIDENT pro tempore. The Senator from Utah has asked that the first part of section 10 be again read.

Mr. GRONNA. Mr. President—

The PRESIDENT pro tempore. The Senator from North Dakota will be recognized when that has been done.

Mr. GRONNA. I do not understand that unanimous consent has been given for the consideration of the bill.

The PRESIDENT pro tempore. It has not; and the Chair has asked whether there is objection to its present consideration?

Mr. WARREN. Mr. President, I wish to reserve the privilege of objecting if the bill is going to lead to debate. I do not think we have time to discuss it. I would be glad if it could be considered without debate, if it is worthy of it.

Mr. SUTHERLAND. I should like to have the part of the bill indicated by me again read.

The PRESIDENT pro tempore. The Senator from Utah asks for the rereading of the first part of section 10. The Secretary will read as requested.

The Secretary read as follows:

SEC. 10. That any person who shall violate any of the provisions of this act, or of the rules or regulations herein provided for, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

Mr. SUTHERLAND. That is sufficient, Mr. President. I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

Mr. CHAMBERLAIN subsequently said: I desire to have the bill that was reported by me from the Committee on Agriculture and Forestry a few moments ago referred back to the committee. We may be able to make some amendments that will meet the objections of Senators.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted to the Committee on Agriculture and Forestry.

INCITEMENT OF INSURRECTION IN CUBA AND MEXICO.

Mr. SMITH of Michigan. From the Committee on Foreign Relations I desire to report back with amendments Senate resolution 335 authorizing the Committee on Foreign Relations to investigate whether any interests in the United States have been or are now engaged in inciting rebellion in Cuba and Mexico, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Michigan to the fact that the resolution authorizes an expenditure of money. Is it intended that it shall be taken from the contingent fund?

Mr. SMITH of Michigan. Yes.

The PRESIDENT pro tempore. The Senate will act upon the amendments reported by the Senator from Michigan and then the resolution will necessarily go to the Committee to Audit and Control the Contingent Expenses of the Senate. The amendments will be stated.

The SECRETARY. After the word "associations" insert the word "or." After the word "corporations" strike out "or other interests in" and insert "domiciled in or owing allegiance to," and in line 7, to strike out "and" and insert "or," and in line 15, after the word "sit," to insert "wherever necessary," so as to make the resolution read:

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any persons, associations, or corporations, domiciled in or owing allegiance to the United States have heretofore been or are now engaged in fomenting, inciting, encouraging, or financing rebellion, insurrection, or other flagrant disorder in Cuba or Mexico against the lawful, organized Governments of those countries.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons and papers, to administer oaths, and to take and secure whatever testimony and evidence may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purposes aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of its said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The amendments were agreed to.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GARDNER:

A bill (S. 7317) to provide increased quarantine facilities at the port of Portland, Me.; to the Committee on Commerce.

By Mr. MYERS:

A bill (S. 7318) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes (with accompanying paper); to the Committee on Public Lands.

By Mr. WORKS:

A bill (S. 7319) to authorize the sale and issuance of patent for certain land to H. W. O'Melveny; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 7320) granting an increase of pension to Israel Wood (with accompanying papers); and

A bill (S. 7321) granting an increase of pension to Luther Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 7322) for the relief of the estate of Oliver D. Greene; and

A bill (S. 7323) for the relief of Bernard G. Dingler and others, lately laborers employed by the United States military authorities under the Quartermaster's Department at San Francisco, Cal.; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 7324) granting a pension to Adam Lang; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7325) for the extension of H Street east from Eighteenth Street north to Oklahoma Avenue (with accompanying paper);

A bill (S. 7326) for the extension of Maryland Avenue east of Fifteenth Street to M Street NE.; and

A bill (S. 7327) for the extension of Eighteenth Street east from Benning Road to K Street north; to the Committee on the District of Columbia.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate \$39,000 for completing the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. OLIVER submitted an amendment proposing to appropriate \$13,000 for installing mechanical stokers and otherwise improving the boiler plant at Frankford Arsenal, Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

H. R. 56. An act to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 22913. An act to create a department of labor was read twice by its title and referred to the Committee on Education and Labor.

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States as amended by section 32 of the act of August 5, 1909, was read twice by its title and referred to the Committee on Finance.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SIMMONS. Mr. President, is it in order to move a substitute for that motion?

The PRESIDENT pro tempore. It is not in order under the rules of the Senate.

Mr. SIMMONS. Then I ask for the yeas and nays on the motion.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate proceed to the consideration of the sundry civil appropriation bill, and, on that motion, the Senator from North Carolina demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WETMORE (when his name was called). I desire to ask whether the senior Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WETMORE. I have a general pair with that Senator, and, in his absence, withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CULBERSON (after having voted in the negative). As my pair, the Senator from Delaware [Mr. PONT] has not voted, I withdraw my vote.

Mr. BAILEY. I again announce my pair with the Senator from Montana [Mr. DIXON], and therefore withhold my vote. I further desire the Record to show that this announcement is to stand until the Senator from Montana finds it possible to return to the Senate.

Mr. LIPPITT. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND], and will vote. I vote "yea."

Mr. HEYBURN. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. HEYBURN. Then I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE], and will vote. I vote "yea."

Mr. BURNHAM (after having voted in the affirmative). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. As he has not voted, I withdraw my vote.

Mr. WETMORE. I have already announced my pair with the senior Senator from Arkansas [Mr. CLARKE], but I transfer that pair to the Senator from New Mexico [Mr. CATRON], and will vote. I vote "yea."

Mr. BRADLEY. I am paired with the senior Senator from Maryland [Mr. RAYNER], and therefore withhold my vote.

Mr. SHIVELY. I wish to announce that my colleague [Mr. KEEN] is unavoidably absent from the city on important business. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. CHAMBERLAIN. I desire to announce for the day that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN].

Mr. SMITH of South Carolina (after having voted in the negative). When my name was called I inadvertently voted. I am paired with the junior Senator from Delaware [Mr. RICHARDSON], but I transfer that pair to the Senator from Oklahoma [Mr. GORE] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I desire to announce the pair of the Senator from Arkansas [Mr. DAVIS] with the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

Mr. BRIGGS (after having voted in the affirmative). I desire to inquire if the senior Senator from West Virginia [Mr. WATSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia, but I will transfer that pair to the Senator from New Mexico [Mr. FALL] and allow my vote to stand.

The result was announced—yeas 35, nays 28, as follows:

YEAS—35.

Borah	Crawford	Lippitt	Root
Bourne	Cummins	Lodge	Smith, Mich.
Brandegee	Dillingham	McCumber	Smoot
Briggs	Gallinger	McLean	Stephenson
Bristow	Gronna	Massey	Sutherland
Burton	Guggenheim	Nelson	Warren
Clapp	Heyburn	Oliver	Wetmore
Clark, Wyo.	Jones	Page	Works
Crane	Kenyon	Perkins	

NAYS—28.

Ashurst	Johnson, Me.	Overman	Smith, Ariz.
Bacon	Johnston, Ala.	Paynter	Smith, Ga.
Bryan	Martin, Va.	Percy	Smith, S. C.
Chamberlain	Martine, N. J.	Pomerene	Stone
Fletcher	Myers	Reed	Swanson
Gardner	Newlands	Shively	Thornton
Hitchcock	O'Gorman	Simmons	Tillman

NOT VOTING—31.

Bailey	Culberson	Camble	Rayner
Bankhead	Cullom	Gore	Richardson
Bradley	Curtis	Kern	Sanders
Brown	Davis	La Follette	Smith, Md.
Burnham	Dixon	Lea	Townsend
Catron	du Pont	Owen	Watson
Chilton	Fall	Penrose	Williams
Clarke, Ark.	Foster	Polindexter	

So Mr. WARREN's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. STONE. Mr. President, I desire to ask a parliamentary question.

The PRESIDENT pro tempore. The Senator from Missouri will state it.

Mr. STONE. I wish to inquire whether the action of the Senate in taking up the appropriation bill at this stage will have the effect of displacing the unfinished business that would come up at 1 o'clock?

Mr. WARREN. It will not.

The PRESIDENT pro tempore. In the opinion of the Chair, it does not interfere with the unfinished business, which will come up automatically at 1 o'clock under the rule.

Mr. WARREN. I ask unanimous consent that the formal first reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

Mr. CUMMINS and Mr. SIMMONS addressed the Chair.

The PRESIDENT pro tempore. The Chair will state the request. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the committee amendments to be first considered. Is there objection?

Mr. SIMMONS. I object.

The PRESIDENT pro tempore. The Senator from North Carolina objects.

Mr. WARREN. The Secretary, then, may proceed with the reading of the bill.

Mr. LODGE. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LODGE. As the bill will be read formally now, it will not have to be read again for amendments?

The PRESIDENT pro tempore. The Chair would concur in that view.

Mr. BACON. We on this side could not hear the colloquy, Mr. President.

Mr. SIMMONS. We could not understand what was said.

Mr. LODGE. I said that if the bill was read formally it would not have to be read again for amendments.

The PRESIDENT pro tempore. It would not.

Mr. LODGE. There is no question about that.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. HEYBURN. Mr. President, I do not understand that this is one of the readings required, so that it may be dispensed with or any other action may be taken in regard to it. The third reading of the bill comes after the bill goes into the Senate, and not as in Committee of the Whole. It has been read twice in the Senate, and it is entirely within the province of the Senate—

Mr. LODGE. My point was that having the bill read formally does not delay it.

Mr. HEYBURN. Not at all. I merely want the Record to show that we are not acting under a misconception as to the reading of the bill.

PURCHASE OF MONTICELLO.

Mr. CUMMINS. I rise to ask unanimous consent for the present consideration of Senate joint resolution 92, which was before the Senate yesterday morning.

Mr. WARREN. Mr. President, the Senator is not going about it in just the right way to ask the unanimous consent of the Senate to displace the appropriation bill. He should first ask me to yield. So far as I am concerned, if the joint resolution will only take a moment or two and no debate will be involved, if I have the privilege of doing so, I will yield for the purpose of its consideration.

Mr. CUMMINS. It will take no time, I am sure.

Mr. LODGE. What is the joint resolution?

Mr. CUMMINS. Just a moment. I intend to offer a concurrent resolution to take the place of the joint resolution, which will remove every objection that has been or could be suggested to it, I think. It is a resolution which provides for the appointment of five Senators and, if the House of Representatives concur, five Members of the House to inquire as to the wisdom and the cost of acquiring for the United States the home of Thomas Jefferson.

The only objection made yesterday morning was that the preamble seemed to commit Congress to the very purpose for which the inquiry is sought. In the concurrent resolution which I shall submit I have omitted the preamble entirely, and if it is agreed to I shall move to indefinitely postpone the joint resolution.

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. WARREN. I can not yield unless the matter can be disposed of without any extended debate, because it is only a short time until another matter will come up.

Mr. CUMMINS. I assure the Senator from Wyoming that if it leads to any considerable debate I will do just as I did yesterday morning—withdraw it, because I do not intend that it shall interfere with the progress of the appropriation bill.

Mr. LODGE. Mr. President, I was not here yesterday when this matter came up, but it seems to me that it will necessarily involve some discussion, for it is apparently a scheme to take the property of somebody who does not want to sell it, as I understand. I should like to know a little more about it than I know now before I enter upon the scheme.

Mr. CUMMINS. Senators sit here and see resolutions of this sort—resolutions of inquiry—pass daily. Of course, if there is objection to-day, that is the end of it for the present.

Mr. LODGE. I do not object.

Mr. CUMMINS. But, if there is objection now, I intend to press it to a conclusion at some other time.

Mr. LODGE. I do not object, but there will necessarily be some debate.

Mr. CUMMINS. Oh, a great deal of debate if the committee was called upon to report either way, but no debate, it seems to me, based simply upon the appointment of a committee to inform the Senate and the House. There is no objection, I believe, Mr. President.

The PRESIDENT pro tempore. Is there objection?

Mr. WARREN. Reserving the right to object, if the concurrent resolution leads to debate, I do not object.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution indicated by the Senator from Iowa, which will be read by title.

The SECRETARY. A joint resolution (S. J. Res. 92) providing for the purchase of the home of Thomas Jefferson, at Monticello, Va.

Mr. CUMMINS. I offer the concurrent resolution which I send to the desk.

The Secretary read the concurrent resolution (S. Con. Res. 24), as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate be, and is hereby, authorized to ap-

point a committee of five Members of the Senate to act in cooperation with a similar committee to be appointed by the Speaker of the House of Representatives, to inquire into the wisdom and ascertain the cost of acquiring Monticello, the home of Thomas Jefferson, as the property of the United States, that it may be preserved for all time in its entirety for the American people.

The concurrent resolution was considered by unanimous consent and agreed to.

Mr. CUMMINS. I move that the joint resolution be indefinitely postponed.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary proceeded to read the bill, and read to the end of line 6, on page 4.

Mr. REED. Are there two different copies of the bill? I have been trying to follow the reading by the Clerk, but my copy does not seem to correspond with the one he has.

The PRESIDENT pro tempore. The Clerk has been directed to read the bill in full.

The reading of the bill was resumed and continued to line 18, page 52.

Mr. CLAPP. Mr. President, will the Senator in charge of the pending appropriation bill yield to me for a moment?

Mr. WARREN. For what purpose?

Mr. CLAPP. Some days ago unanimous consent was given, at the suggestion of the Senator from Montana [Mr. MYERS], that the Indian appropriation bill might again be considered as to two items. It will take but a moment.

Mr. WARREN. It is in the nature of the completion of an appropriation bill, is it not?

Mr. CLAPP. It is to complete the Indian appropriation bill.

Mr. WARREN. If it will lead to no debate, Mr. President, I shall be glad to dispose of that measure in the order of business, and I yield for that purpose.

The PRESIDENT pro tempore. Without objection, the Senator from Minnesota will be recognized for the purpose stated by him.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. Calling attention to page 29 of the Indian appropriation bill (H. R. 20728), I will state that, in line 5, the Senate struck out the committee amendment inserting the word "four" in place of the word "two" and inserted "two hundred and fifty." I ask to reconsider the vote by which the amendment of the Senate was agreed to.

The PRESIDENT pro tempore. The Senator from Minnesota moves to reconsider the vote by which the Senate amended the bill in the manner he has indicated. The Secretary will state the amendment.

The SECRETARY. On page 29, line 5, before the word "hundred," the Senate rejected the amendment proposed by the Committee on Indian Affairs to strike out "two" and to insert "four," and, after the word "hundred," the Senate inserted "and fifty," so as to read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, \$250,000.

Mr. CLAPP. That was the action of the Senate. I move to reconsider the vote by which that amendment was adopted.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. CLAPP. Now, Mr. President, I move that the amendment reported by the committee be adopted, substituting the word "four" for the word "two," in line 5, on page 29, and striking out the words "and fifty."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. CLAPP. On the same page, in lines 16 and 17, the Senate disagreed to the committee amendment inserting the words "and fifty." I move to reconsider the vote by which those words were stricken out.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 29, in line 16, after the word "hundred," an amendment was agreed to striking out the words "and fifty."

Mr. CLAPP. I move to reconsider the vote by which the amendment was rejected.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. CLAPP. I now move that the amendment reported by the committee inserting the words "and fifty," after the word "hundred," in line 16, be agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 29, line 16, after the words "one hundred," insert the words "and fifty," so as to read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, \$150,000, etc.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. CLAPP. That is all I have to offer.

Mr. GAMBLE. Mr. President, there was a committee amendment on page 6 in regard to an appropriation of \$75,000 to take care of the accounting and disposition of claims of licensed traders and other bona fide claimants. It was stricken out on a point of order made by the senior Senator from Kansas. I discussed the matter with the Senator before he left the city. He is now out of town. With his consent, I intended to offer an amendment to modify it in the amount proposed to be appropriated.

My attention has just been called to the unanimous-consent agreement for the reconsideration of this bill. I supposed it had been reconsidered generally, and I intended to offer that amendment. I simply make this suggestion to put my position right with the senior Senator from Kansas, and shall not offer the amendment, because I consider that to do so would be a violation of the unanimous-consent agreement.

Mr. CLAPP. The amendment ought to have been adopted, and were it not for the unanimous-consent agreement I would have a number of amendments of my own which I would offer.

Mr. GAMBLE. I think it is of the utmost importance, and it ought to have been agreed to.

The PRESIDENT pro tempore. Does the Senator now desire action on the bill?

Mr. CLAPP. I move the passage of the bill as amended.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MYERS. Mr. President, I wish to thank the Senate very sincerely for its very great courtesy in reconsidering the vote on the Indian appropriation bill in behalf of matters pertaining to Montana. I assure the Senate that its courtesy is very greatly appreciated by the Senators from Montana.

COTTON STATISTICS.

Mr. LA FOLLETTE. I submit a conference report on House bill 19403, with an accompanying statement.

The PRESIDENT pro tempore. The Senator from Wisconsin presents a report, which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

ROBERT M. LA FOLLETTE,

J. W. BAILEY,

S. GUGGENHEIM,

Managers on the part of the Senate.

W. C. HOUSTON,

JOHN H. SMALL,

E. D. CRUMPACKER,

Managers on the part of the House.

The PRESIDENT pro tempore. Does the Senator from Wisconsin desire to have the statement printed in connection with the report?

Mr. LA FOLLETTE. I do.

The PRESIDENT pro tempore. That order is made.

The statement is as follows:

STATEMENT.

The managers on the part of the Senate at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton submit the

following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report: The House bill provided for the collection of certain statistics monthly; the Senate amended the bill to provide for the collection of the statistics quarterly. The conferees on the part of the Senate agreed to recede from these amendments and agree to the bill in the form in which it passed the House.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
S. GUGGENHEIM,
Managers on the part of the Senate.

Mr. BACON. I am not familiar with this matter. My colleague, I know, is very much interested, and so is the Senator from South Carolina [Mr. SMITH], and as neither of them is present, I do not know if the matter has been submitted to their judgment or not. I was simply about to suggest that we await their presence before taking final action.

Mr. LA FOLLETTE. I am very confident, Mr. President, that the amendments which were incorporated in the bill in the Senate did not and would not have the support of the Senators named by the Senator from Georgia, and that the bill as now agreed to, striking out those amendments, would meet their approval. However, if the Senator desires—

Mr. BACON. I have every confidence in the opinion of the Senator, but unless—

Mr. LA FOLLETTE. The change in the bill is simply this: The bill as passed by the House provided that certain cotton statistics should be made and published monthly. The Senate amended the bill by providing instead that the statistics should be published quarterly. The House conferees objected to the amendment adopted by the Senate on the ground that it was not so favorable to the cotton growers as it would be to have the statistics printed monthly. That reasoning appealed to the conferees on the part of the Senate, and they receded and agreed to the contention of the House.

Mr. BACON. I have no doubt of the statement of the Senator that the recommendations of the conferees will be acceptable to my colleague and the Senator from South Carolina and others who are interested in the same subject, who have given it attention and consideration. I see that my colleague has just entered the Chamber, and I will ask that the matter be submitted to him. It was on the question of agreeing to the conference report which the Senator from Wisconsin has just submitted and which I suggested should be allowed to remain without action until my colleague and the Senator from South Carolina were present.

Mr. SMITH of Georgia. Upon what subject?

Mr. LA FOLLETTE. Upon the subject of cotton statistics. The Senate conferees receded from the amendments adopted in the Senate and agreed to the bill as passed by the House.

Mr. SMITH of Georgia. That is thoroughly agreeable to me.

Mr. LA FOLLETTE. I was very certain it would be.

Mr. BACON. Then I withdraw any objection.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The conference report was agreed to.

Mr. LA FOLLETTE. I ask that the conference report lie on the table and be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25096) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill, beginning at line 19, on page 52, and continued to the end of line 20, on page 73.

THE PANAMA CANAL.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Mr. President, at the time I moved that the Senate should proceed to the consideration of this bill I stated that it was not my intention, if I could do so without losing its place as the unfinished business, to have it interfere with appropriation bills and other privileged matters. Therefore I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business may be temporarily laid aside.

Mr. SIMMONS. I object.

The PRESIDENT pro tempore. The Senator from North Carolina objects.

Mr. BRANDEGEE. If any Senator desires to discuss the bill at present, of course I will yield the floor myself.

The PRESIDENT pro tempore. The consideration of the unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. LODGE. Mr. President, I desire to say something in regard to this question of tolls in the Panama Canal, which was taken up the other afternoon and discussed here somewhat.

(At this point Mr. LODGE yielded for the transaction of certain routine business, which appears under its appropriate headings.)

Mr. LODGE. I yield to all morning business. No morning business seems to have been done to-day, and so I yield to all there is to do now.

Mr. WARREN. Mr. President, I wish to give notice that I will ask to-morrow, immediately upon the close of the routine morning business, to take up for further consideration the sundry civil appropriation bill.

Mr. SIMMONS. Mr. President, I believe that appropriation bills and bills to raise revenue are of equal—

Mr. LODGE. Mr. President, how did I lose the floor?

The PRESIDENT pro tempore. The Senator from Massachusetts has not lost the floor.

Mr. SIMMONS. The Senator had yielded to me. He yielded to everybody else.

Mr. LODGE. I thought the Senator had taken the floor in his own right.

Mr. SIMMONS. I understood that the Senator yielded to me.

Mr. LODGE. I do, with pleasure.

Mr. SIMMONS. I started to say, Mr. President, that I believe bills to appropriate public moneys and bills to raise revenue are of equal dignity under the rules of the Senate. I wish to give notice that to-morrow, immediately after the routine morning business, I shall move to take up what is known as the wool bill, and the President pro tempore having decided to recognize the Senator from Wyoming to take up the appropriation bill as against me to take up the wool bill to-day, I trust that he will extend to me the same favor of preference on to-morrow.

Mr. WARREN. Mr. President, in reply to the Senator from North Carolina, I beg to differ with the Senator in this: It is true that under our rules, in the same paragraph, after mentioning appropriation bills, revenue bills are mentioned. Thus revenue bills are mentioned as second to appropriation bills. The Government must authorize the wherewith to conduct business, just as a moment ago it was decided that an appropriation must be provided for before a certain matter could be put in motion or seriously considered.

Therefore I shall not concede that revenue bills stand on exactly the same footing as do the appropriation bills.

Mr. SIMMONS. Mr. President, by the same token, in view of the fact that there can be no money to appropriate until there are taxes levied to collect moneys, I should think that a bill to raise revenue ought to have priority over a bill to appropriate the revenue so raised.

Mr. BRANDEGEE. Mr. President, the regular order.

Mr. WARREN. Unfortunately, the measure the Senator has in charge is not to raise revenue, but to reduce revenue.

Mr. BRANDEGEE. I ask for the regular order.

Mr. SIMMONS. Unfortunately, the Senator's proposition is not a proposition to raise money.

The PRESIDENT pro tempore. The regular order is demanded. The Senator from Massachusetts is entitled to the floor.

Mr. LODGE. Mr. President, some time ago I started to say something in regard to the question of tolls charged on vessels passing through the Panama Canal, which was under discussion here the other afternoon when I was unfortunately absent. I now renew the attempt. The question of canal tolls has arisen in connection with representations made by the Government of Great Britain in regard to our rights in fixing tolls. It so happened that I was in London when the second Hay-Pauncefote treaty was made, and, although the draft was sent from this country, that treaty was really made in London and should properly be called the Lansdowne-Choate treaty. I mention this merely to show that I had some familiarity with the formulation as well as the ratification of that treaty. When the treaty was submitted by the President to the Senate it so happened that I had charge of it and reported it to the Senate.

The second Hay-Pauncefote treaty, as Senators will remember, embodied in substance the amendments which the Senate had made to the first Hay-Pauncefote treaty. England had refused to accept those amendments and then the second treaty was made embodying in principle all for which the Senate had contended.

When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase "all nations." But I see very plainly, Mr. President—

Mr. BACON. Will the Senator permit me before he passes from that point?

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. BACON. I happened to be here at that time myself and also to be on the Foreign Relations Committee with the Senator. I want to ask the Senator if he can recall that either in the committee or in the Senate there was at any time an assertion of the opinion of Senators that that was the construction of the treaty. Does the Senator recall that that ever was asserted?

Mr. LODGE. You mean that we should have the right to determine the tolls?

Mr. BACON. Yes.

Mr. LODGE. I do not recall now that the question was ever raised.

Mr. BACON. I do not think it was.

Mr. SMITH of Georgia. On page 16, if the Senator will allow me, of pamphlet 85—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the junior Senator from Georgia?

Mr. LODGE. I yield to the Senator from Georgia. What pamphlet is it?

Mr. SMITH of Georgia. It is Document No. 85 of the Fifty-seventh Congress. This was a motion offered apparently in the Senate in connection with the treaty of December 13, 1900, which, after being amended by the Senate, I understand was not approved by Great Britain. On page 16 it seems that this amendment was offered:

The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

I find that the Senate even rejected this, voting yeas 27, nays 43. I wanted to ask the Senator—

Mr. LODGE. That refers to the first treaty.

Mr. SMITH of Georgia. Yes.

Mr. BACON. That I had in mind, of course. If I recollect aright it was Senator Bard's amendment. I will not stop to explain it now, but my vote in favor of it was not on the ground that I favored free ships. But in view of the Senator's statement that he reported the bill, which was a fact, and indicating his familiarity with it, I wanted to ask him what his then construction of it was, whether he could recall that in the process of the making of that treaty, either while it was in committee or in the Senate, it was ever asserted by anyone as the proper construction of that treaty.

Mr. LODGE. I do not remember that any construction either one way or the other was asserted.

Mr. BACON. I do not either. I quite agree with the Senator in that regard, and it was for that reason that I asked the question.

Mr. LODGE. I mentioned merely my own impression, which was that it left the fixing of tolls to us, but it is very clear to anyone on the simple reading of the clause that the interpretation is open to doubt. I think on the face of the words either view can fairly be taken. Such being the case, Mr. President, I do not wish anything done by which this Government could ever be exposed to the suggestion even of not acting in good faith under a treaty. I think we should be most punctilious, even if there is nothing more than a doubt about a word, in carrying out the treaty strictly to its letter.

It is, of course, also true, as the Senator from New York [Mr. Root] pointed out, that if we should undertake simply to make our ships free, we should raise a question which would then, under our treaties of arbitration, necessarily go to The Hague.

Mr. CHAMBERLAIN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. I do.

Mr. CHAMBERLAIN. Is the Senator addressing himself now to the treatment of our vessels engaged in foreign commerce, or

do his remarks apply, and are they intended to apply, to the coastwise trade?

Mr. LODGE. I mean all American vessels. For the purposes of this treaty, it does not make any difference what trade they are engaged in.

Mr. CHAMBERLAIN. Whether in the coastwise or the foreign trade?

Mr. LODGE. Not the slightest, I think.

Mr. SMITH of Georgia. I call the Senator's attention—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I desire to say, Mr. President, that in calling the Senator's attention to this matter I do it because I really want the benefit of his discussion and his opinion. I find in One hundred and ninety-fifth United States, page 332, in the case of *Olsen v. Smith*, the Supreme Court of the United States seemed to recognize an entire difference between our coastwise vessels and vessels engaged in foreign business, and they held that even under the Clayton-Bulwer treaty to give special privileges to a coastwise vessel was not violative of our agreements with Great Britain, as the coastwise trade was limited to American vessels, and for that reason a concession to them could not violate the right of any English vessel. It would seem that if that opinion is sound we would have no embarrassment about extending special privileges to coastwise vessels, and that they would occupy a position entirely different from our vessels engaged in foreign trade. I only wanted to call the Senator's attention to that opinion.

Mr. LODGE. I am very glad the Senator has done so.

Mr. SMITH of Georgia. If the Senator will permit me, I will say just one word more. I do not wish to discuss this subject at all elaborately, and I will detain him only a moment.

This last treaty especially emphasizes the preservation of our neutrality agreement with England under article 8 of the Clayton-Bulwer treaty, and asserts in substance that it is not intended to interfere with the general principles therein enunciated. In article 8 it is stated that the canal shall be open to citizens and subjects of the United States and Great Britain on equal terms—

Mr. LODGE. Where does the existing treaty refer to the Clayton-Bulwer treaty?

Mr. ROOT. In the preamble.

Mr. LODGE. Oh, in the preamble. Yes; I remember that.

Mr. SMITH of Georgia. In the preamble.

Mr. LODGE. But, Mr. President, in my opinion, for the purposes of this treaty, there is no distinction to be drawn between American vessels engaged in coastwise traffic and American vessels engaged in foreign trade. There is no such distinction in the treaty. It says "the vessels of all nations."

Of course, the decision in the United States Supreme Court does not bind Great Britain and would not prevent this question from going to The Hague. Under our treaties of arbitration, in my judgment, nothing could prevent this question from going to The Hague, if we live up to the existing treaties of arbitration which we have with 26 other powers. If it goes to The Hague, I think we may take it as decided now. It is not likely that the United States would ever get a favorable decision from that tribunal on a question where the interests of Europe are on one side and those of the United States on the other. But, Mr. President—

Mr. SMITH of Georgia. Is it not very clear—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. SMITH of Georgia. Is it not almost beyond doubt that the United States would lose?

Mr. LODGE. Unquestionably. Therefore, Mr. President, in the first place, I desire to observe the treaty. If there is any doubt about it, I desire to observe it in the most punctilious manner. In the second place, if we put in free ships we are simply running ourselves into a prejudged award, which may take the form of refunding all other payments made by other nations or compel large payments by ourselves.

But the English note, as I understand it, which was submitted to us, goes a step further. It undertakes to suggest that we can not, if we choose, pay the tolls of our own vessels, because if we pay the tolls of the American vessels it amounts to giving them free passage. Of course, paying the tolls would cost the United States nothing, no more than if the passage was made free; it amounts to giving them free passage through the canal.

This proposition I regard, Mr. President, as a totally different thing from the question of the right of giving free passage to our own vessels, and I for one will never admit that any foreign power has the right to say what we shall give to our

shipping or our railroads or anything or anybody we please, if we choose to give it. That is a domestic question for us and for nobody else to settle. If we saw fit in that way to give American vessels the benefit of the canal which we have built and paid for, we have a clear right to do it, and we violate no treaty injunction by doing it.

Mr. CRAWFORD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. LODGE. I do.

Mr. CRAWFORD. I ask the Senator if that does not violate the maxim that you can not do indirectly what you are prohibited from doing directly?

Mr. LODGE. Because, Mr. President, the proposition is that all ships shall pay the same tolls. Now, if the American ships pay the same tolls, nobody can go behind that and ask where the money came from.

Let me call attention to certain facts in that connection.

Through the Suez Canal pass, of course, the vessels of the Peninsular & Oriental Steamship Co., a great British company, which carries on a vast traffic with India and the East. The canal tolls paid by this great British line in 1907 aggregated \$333,000. The subsidies aggregated £332,784.

For 1910 the tolls were £357,000 and the subsidies £297,000.

The North German Lloyd, which passes through the Suez Canal, was paid a Government subsidy of \$1,385,000, which substantially paid all the Suez Canal tolls of the great German Fleet passing back and forth through that canal.

The French subsidies to the three French lines amounted to \$1,145,000. "In some instances"—I am quoting now from the report of the Commissioner of Navigation—"the nations make direct appropriations for the payment of the tolls by their vessels in the Suez Canal." For instance, "the Russian budget in 1909 carried an item of 650,000 rubles (\$334,750) to pay the tolls of the merchant steamships of the Russian Volunteer Fleet."

Austria pays all the tolls of her vessels passing through the Suez Canal, and other countries—Sweden and Japan among them—pay a large proportion of the tolls of their vessels.

Mr. CRAWFORD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. LODGE. I yield.

Mr. CRAWFORD. Were these tolls paid in express terms as tolls?

Mr. LODGE. They were paid in the case of Austria and Russia in express terms as tolls. The appropriations were made for tolls. I merely want to show what is done in the case of the Suez Canal.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. Yes.

Mr. CLAPP. It was stated here the other day with reference to England, at least, that these payments were in the nature of rebates, as subsidies for carrying the mail, I think. When the Senator says it is an appropriation for tolls, is he advised as to whether there is any consideration for the tolls moving the Government to the appropriation of the tolls, or is it a direct effort to simply relieve the ships of the burden of the tolls?

Mr. LODGE. It is an appropriation to relieve the ships. If the Senator desires, as it is all here in the report of the Commissioner of Navigation, I will read it. It is done specifically.

In some instances the appropriation is made in terms to pay the Suez tolls, as the Russian budget in 1909 carried an item of 650,000 rubles (\$334,750) to pay the tolls of the merchant steamships of the Russian Volunteer Fleet. In 1909 the tonnage of that company was 130,200 net tons, so the Government grant was equal to \$2.57 per net ton. At that time the Suez Canal dues were at the following rates: Seven francs seventy-five centimes (\$1.50) per net ton on ships with cargo and 5 francs 25 centimes (\$1.01) on ships in ballast. At the same time a charge of 10 francs (\$1.93) was made on adult passengers, while children between 3 and 12 years old were charged at half rates, and no charge was imposed on children under 3 years. The Russian Government, accordingly, provided for the payment of canal charges not only on the tonnage of the ship, but also on the men, women, and children carried on board.

Mr. CLAPP. Yes; but does the report in this case disclose the purpose?

Mr. LODGE. It discloses that appropriations are made for tolls. They are made exactly and in precise words for tolls; they are adjusted so as to pay them precisely, not only on the tonnage, but on the passenger.

Mr. CLAPP. Yes; that is true; but does it exclude any other idea? Is the information before the Senate—

Mr. LODGE. Absolutely excluding any other idea.

Mr. CLAPP. That is what I wanted to get at.

Mr. LODGE. There are no services whatever rendered by the ships to their governments in return.

Mr. REED and Mr. BRANDEGEE addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and, if so, to whom?

Mr. LODGE. I yield to the Senator from Missouri.

Mr. REED. I noticed the language the Senator from Massachusetts read contained the words "the Russian volunteer fleet." Does the Senator understand that that is some fleet which is attached to the war vessels of the Russian Government and subject to be called upon?

Mr. LODGE. The Russian Government may have some right of calling on them in time of war, as we have of calling on the American steamship line.

Mr. REED. The inquiry was brought about by the thought that possibly there might be some circumstance of that kind which would enable the Russian Government to claim that this was a special benefit paid for by them in consideration of the service of this fleet, or its liability to service, in time of war; and I thought perhaps the Senator could enlighten me upon that point.

Mr. LODGE. I think not, Mr. President; I think it is specific. It is as clearly stated as possible. The Commissioner of Navigation says, to begin with:

About 25 per cent of the Suez Canal tolls on foreign merchant vessels are now paid in one form or another from the treasuries of the nations whose flags those vessels fly, respectively.

Mr. BRANDEGEE and Mr. STONE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield, and to whom?

Mr. LODGE. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. The Senator from Massachusetts will not claim, will he, nor does the Commissioner of Navigation claim, that any part of such mail subsidies or bounties as may be appropriated or paid by the British Government, is for the specific purpose of reimbursing their vessels for the tolls paid for passing through the Suez Canal?

Mr. LODGE. I did not say it was. I said that, as a matter of fact, they did it, but I did not say they did it specifically for that purpose.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I do.

Mr. STONE. The Senator from Massachusetts has stated that the Russian Government, for example—and I think he possibly named one or two others—paid tolls out of the treasury of the nation exacted on vessels of Russian register passing through the Suez Canal. The inquiry I make is to this effect: Whether the Senator can tell the Senate if the tolls paid in the first instance, presumably by the owners of the vessels passing through the Suez Canal, are covered into the Russian treasury, and whether, if that be true, the Government of Russia merely refunds that money to such vessels?

Mr. LODGE. The Russian Government does not own the Suez Canal. Those are for outright payments. I do not think Russia is even a stockholder.

Mr. STONE. It has no interest whatever in it.

Mr. LODGE. I do not think it has. I can not tell accurately. The principal stockholder is Great Britain, of course.

Mr. STONE. I am aware of that fact.

Mr. LODGE. And I think the remainder of the stock is distributed very widely among smaller stockholders.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. Certainly.

Mr. JONES. I merely wish to state that my recollection is that, either in the same report from which the Senator has read or in a later report, the Commissioner of Navigation states that the Spanish Government is now preparing to take care of the tolls that steamship lines being established to go through the Panama Canal will be required to pay.

Mr. LODGE. That must be in a later report. I do not think it is here. I am obliged to the Senator for the suggestion.

Mr. JONES. I know there is a suggestion of that kind in one of the reports of the Commissioner of Navigation.

Mr. LODGE. Now, let me call attention to some details in order to show that there is no misapprehension about it—that it is not attempted to do it under another form. Take Austria. Austria provides an annual subsidy of 4,700,000 crowns for the Austrian Lloyd Steamship Co., but it contains another article, which is given here in German, which says that the company is also to receive for the passage of the Suez Canal on lines 9, 10, and 11, an amount equal to the tolls paid. The Commissioner of Navigation says:

Of course this means that the Austrian treasury, besides the subsidies, will pay annually the tolls on the following Austrian merchant voyages through the Suez Canal.

* * * * *

In the case of Sweden, the Swedish royal foreign office on May 26, 1908, advised the American minister at Stockholm:

"The maritime navigation company (Svenska Ostasiatiska Kompaniet) receives from the State, for the years 1907-1911, a subvention of 1,850,000 crowns to insure a regular service between Sweden and the ports of the extreme Orient. This subvention has been calculated in a manner to represent the amount of the tolls paid by the ships of the company for passing the Suez Canal."

Mr. President, I do not bring out these facts for the purpose of advocating subsidies or anything of that character; I bring them out to show that in the Suez Canal, where there is precisely the same provision, beginning in the concession to De Lesseps in 1854, for equality of tolls among all nations, it has never been considered for a moment a breach of that agreement for any nation to pay the tolls of its own vessels going through the canal, if it sees fit to do so.

How could it be otherwise? The Austrian-Lloyd steamships go through the Suez Canal and pay the tolls. Is Great Britain to stand up and say, "We can not permit those tolls to be paid by the Austrian Government; those vessels are having an undue privilege"? Austria would say to England or to any other power which for one moment attempted to do that, "What we give our vessels or what arrangements we make with our steamship companies or with any domestic institution is our affair. If the money is received for the toll, you have no right to go behind it and ask where the money came from."

Mr. CRAWFORD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. LODGE. Yes.

Mr. CRAWFORD. If we concede that it would be a violation of the treaty for Austria or the United States or any other government to make provision by which its vessels engaged in a local business within its own territory could go through such canal free, does it not follow that a provision of that kind in a treaty, recognized everywhere as the highest form of law and the most sacred form of obligation, could not be overridden by some municipal regulation, call it domestic, if you please, but which, in effect, rendered nugatory the provision of the treaty?

Mr. LODGE. Mr. President, I confess it is difficult for me to comprehend that such an attitude should be taken. We will assume, for the purposes of argument, that we have agreed that the same tolls shall be charged to vessels of the United States as to all other vessels. When vessels of other countries begin to go through the canal and we learn that Austria appropriates money for the tolls for her vessels, have we a right to turn around to Austria and say, "You must not do that; it is an evasion of the terms of the treaty, because you are paying the tolls of your vessels"? Those are not the terms of the treaty. The terms of the treaty are that the tolls collected from all vessels shall be the same.

Mr. NELSON and Mr. CHAMBERLAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield, and, if so, to whom?

Mr. LODGE. I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, I desire to call the attention of the Senator from Massachusetts to the fact that the subsidies, to which the Senator has referred as being granted by foreign nations, relate only to particular lines that are carrying the mails or to cases where it is sought to establish a line between different points, while the larger share of the commerce is carried on in what are called "tramp" vessels, which are never subsidized.

I want to call the Senator's attention further to the fact, that in our coastwise trade American ships have an absolute monopoly. I can not travel from one port to another on the Atlantic coast or anywhere else in this country except in an American ship. If I travel in any other, I or the ship would have to pay a fine of \$200. They have a complete monopoly of the whole trade. They not only have a monopoly of the merchandise they carry from port to port, which is all right enough; but, if I am stranded in one of the coast towns on the Atlantic coast, and want to go to another port along the coast, if no American ship is available and I happen to take a foreign ship which chances to be at hand, there is a fine of \$200 imposed on the ship; and, of course, the ship will not stand it, but the man who has to travel in that way will have to pay the fine. In view of all those privileges, to give all these vessels the free privilege of the Panama Canal, built by the funds of the American people, seems, to me utterly unfair and unjust. We are simply adding another burden, another bonus, another privilege to American shipping. The only statutory monopoly we have in this country is the coastwise trade; and this proposition is to add to the power of that monopoly, and nothing else.

Mr. LODGE. Mr. President, the Senator entirely misapprehends the point I am endeavoring to make. I am not arguing in favor of advantages to the American coastwise traffic or even to the few American vessels engaged in foreign business, which

have no protection whatever. The point I am trying to make is, that I do not think any foreign government has the right to come in here and dictate to us whether we shall or shall not, if we so choose, pay the tolls on American vessels. They have the right to protest if we make our vessels free; but when they go beyond that and try to say what we shall do in the matter of domestic legislation, I, for one, would like to enter my protest against it.

Mr. FALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. LODGE. I do.

Mr. FALL. Merely to make a suggestion to the Senator from Massachusetts. Suppose you should read into the Hay-Pauncefote treaty with reference to tolls the following language:

The tolls or dues shall be collected, without any exceptional favor, from all vessels in like circumstances.

Then, would the Senator entertain the same objection which he is now discussing with reference to our right to evade, if not to violate, the treaty?

Mr. LODGE. Mr. President, of course if the language of the treaty were other than it is we should have a different interpretation. I am dealing with the language of the treaty as it is.

Mr. FALL. I am dealing with the proposition of law that, in construing a statute which is ambiguous, you can consider other statutes in connection with it upon the same subject.

Mr. President, there is something more than merely the strict wording of the Hay-Pauncefote treaty, it seems to me, to be considered here. For instance, there is the Panama treaty, under which we have constructed the Panama Canal; and back of that Panama treaty the ratification and sale by Panama to the United States Government for \$40,000,000 of the concession under which the French undertook to construct the canal, which concession was ratified by Panama in its grant to the United States of the right to build the canal.

If the Senator will permit me, if he will examine article 8 of the treaty of the United States with Panama, of 1903, he will find that by that article—

The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Co. and the Panama Railroad Co. as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Co. to sell and transfer to the United States its rights, privileges, properties, and concessions—

That is, the rights, privileges, properties, and concessions of the New Panama Canal Co.—

as well as the Panama Railroad and all the shares or part of the shares of that company.

And public lands, which were not necessary to the construction of the canal which had been granted by Colombia by the concession referred to and here ratified, were to be the property of the Republic of Panama.

In that same treaty not only is the transfer and the original concession, constituting the basis of our title to this property, ratified by terms, but also the Hay-Pauncefote treaty is referred to and ratified.

In the original concession, for which we paid \$40,000,000 and which is the basis of our title—and I might mention incidentally, because of the failure of Colombia to ratify a treaty which would give the United States the power to acquire that canal property, which it did not have under the concession itself—because of that failure it is understood that the rebellion in Panama ensued, and Panama did what Colombia refused to do—allow this concession to be transferred to a foreign Government.

Under the original concession, article 14 of the concession for the building of the Panama Canal provides distinctly as to the tolls to be collected:

That they shall collect these dues, without any exceptional favor, from all vessels in like circumstances.

We bought this and paid for it, and then took a deed from Panama ratifying this concession in these words, and also ratifying the Hay-Pauncefote treaty. It seems to me that, considering them altogether, there is no question about not only the lack of right in the United States to adopt these tolls but that it would be an evasion of the strict terms, which should be read into the Hay-Pauncefote treaty, for us to do by indirection what we can not do directly.

Mr. LODGE. Mr. President, I was on the committee which had charge of the Panama treaty to which the Senator refers, and gave some attention to it at the time. So I am not unfamiliar with its provisions. It does not seem to me to alter the case. The point I am making is not whether I think or do not think we ought to make the canal free; it is not whether, on the merits of the case, we should remit the tolls or give American ships money to pay the tolls; that is a question to be

decided on its merits. My proposition is simply this: That I deny wholly the right of any outside power to come here and tell us what arrangements we shall make with our own shipping. They may protest against exemption from all tolls; I grant that, although the clause in the treaty is doubtful; and that they may fairly take us before The Hague court; but if we are to admit that a foreign Government can say to us what arrangements we shall make with our own shipping, it seems to me there is absolutely no limit to the domestic questions which may be carried before The Hague court for decision, and no limit to the power foreign Governments may exercise over us.

Mr. BACON. Will the Senator permit me there?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. If there were a reference to The Hague, it would not be as to what we would be permitted to do in the regulation of our own shipping or in the exaction of tolls from it, but it would be a question as to what would be the resulting right to other nations if we did certain things in favor of our own shipping. That, I think, would be the question.

Mr. LODGE. Exactly.

Mr. BACON. And not the question as to whether we had a right to make any particular provision as to our own shipping. The question would be the consequential right which flows to them.

Mr. LODGE. Out of this, of course, grows the inevitable inference that if foreign nations can prevent our paying the tolls of our vessels, if we see fit to pay them, what is there to prevent us saying to them when we fix the tolls, "You have no right to pay the tolls of your vessels going through the canal. That is not putting them on an equality; that is an exceptional favor that you would grant to this Austrian line or this Russian line or this English line." Suppose we should say to Great Britain, if they were to send great ships through the Panama Canal such as ply between Liverpool and New York, "You made a free gift of the *Mauretania* and the *Lusitania* to the Cunard Co.; you made them a loan of \$4,000,000 to build those ships, and then you gave them a subsidy that pays the interest on it"; and suppose we should undertake to say, "You must not do that; we can not have vessels going through the canal under those conditions"; why, Mr. President, no nation would tolerate such treatment for a moment. Our power to fix the tolls does not give us the power to go behind and inquire who is paying the tolls. Of course it does not; and I say if we have not the power to go behind the actual payment and cross-question Austria and England and the other powers as to how the tolls on their ships are paid, they have not the right to come in here and ask who is paying the tolls on our ships. That is what I resent.

I am not prepared to say it is a good thing for us to make the canal free to our ships or that they should not pay tolls. I had hoped the canal might be of some benefit to our shipping; but I have come pretty well to the conclusion that it is not the intention of this Government ever to help American shipping; in fact, it is now apparently expected that we should throw the coastwise shipping open to all the world. No other nation admits everybody in their coastwise trade; but, however that may be, I do protest against the doctrine that what we do to our shipping in regard to tolls or anything else is a matter for a foreign government to regulate.

Mr. PERCY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. I do.

Mr. PERCY. I understood the Senator made the statement that no other country throws open its coastwise trade to foreign countries. Is he not mistaken about that in regard to England? Is not the coastwise trade of England thrown open to vessels of the world?

Mr. LODGE. I do not think so; I think they have restrictions in favor of English vessels.

Mr. PERCY. That is my impression in regard to it.

Mr. LODGE. Certainly there are coastwise restrictions in the case of every other country except England, and England restricts by light dues and port dues and rules of Lloyds, which amount to the same thing.

Mr. BACON. Does the Senator mean, in the case of England, the coastwise trade between England and the various parts of the empire?

Mr. LODGE. Oh, no; I simply mean the coastwise trade of Great Britain and Ireland.

Mr. BACON. That is a very small matter in point of territory.

Mr. LODGE. Oh, that coastwise trade of Great Britain and Ireland is very large, indeed.

Mr. BACON. I say in point of territory it is very restricted.

Mr. LODGE. In that respect; yes.

Mr. BACON. Of course, if you include the whole British Empire, that would be very vast.

Mr. LODGE. I did not mean to include the colonies of England in her coastwise trade.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I do.

Mr. REED. If it be true, as maintained by some, that if this Government were to pay subsidies to our ships passing through the canal equal to the tolls collected and that foreign governments could object to that as a discrimination, or, rather, as a violation of the terms of this treaty, would it not follow for this reason that this Government would then be in a more unfortunate condition with reference to the canal it built than any other nation? Other nations do pay subsidies to their ships, and would it not permit the other nations to pay subsidies to their ships and deny us the right they would exercise?

Mr. LODGE. Absolutely. I agree with that statement.

Mr. REED. I say that because I am inclined to concur with the Senator in his analysis of this legal question, although I am very far from being convinced that we ought to pay any subsidy.

Mr. LODGE. That is another question.

Mr. REED. Yes.

Mr. LODGE. It is not a question which I am attempting to discuss now. But I wanted to draw the distinction between the question of making our ships free through the canal, which I believe is open to question under the treaty and therefore should not be attempted, and the right of this Government, if it chooses, to grant to its ships the amount of the tolls. As to the second question, I can not see that any foreign government has the right to enter into it at all. It is for us to determine, and if we determine it is not wise to do it, very well; but if we determine that it is wise to do it, I hold it is nobody's business but our own.

Mr. REED. The Senator will pardon me a further word. It seems to me a good deal would depend upon the form in which it was done. If in a bill fixing tolls we were to provide that in the event of American vessels going through the canal there should be remitted to them the amount of the tolls, it would present one question; but if we were to provide what tolls should be charged and then if we were to provide in a separate bill that there should be paid to all American vessels carrying freight going through the canal certain sums, and if those sums happened to be the same as the tolls, it seems to me it would be very difficult for any foreign government to raise the question.

But if in the same bill, manifestly for the purpose of remitting the tolls, we were to provide for an absolute remission, it seems to me it would be a different question. I do not know whether I make myself plain.

Mr. LODGE. Certainly.

Mr. REED. I think a great deal depends upon the form in which it is put, and in my humble capacity I state it without committing myself to that doctrine.

Mr. LODGE. I think the question lies as the Senator stated it before; that to attempt otherwise would be to admit that they had a control over the canal that we did not exercise.

Now, of course, this grows out of a very simple thing. This whole excitement has arisen out of the fact that there is one country, and only one country, in the world which is situated in regard to the canal just as we are, and that is Canada. England is not worrying over her own merchant marine. Her great merchant marine is not going to be affected by whether our ships go through free or whether they pay tolls. The trouble is the Canadian voyage. If our ships should have an advantage the Canadian business would probably come in American vessels to American ports, and then by American railroads in bond back to Canada. The Canadians do not like that, and they would rather not pay a subsidy to equalize it, if that should happen. That is the cause of all this.

I am not finding any fault with them. I do not find fault that they should look after their own. I wish we did it a little better.

But I desired to make protest against this attempt to go beyond the question of our right to fix tolls equal for ourselves as well as for everybody else, which is a question that concerns others, and our right to pay tolls for our own vessels, which is a domestic question and does not concern anybody but ourselves, and in that I wish to protest against any foreign interference.

Mr. HITCHCOCK. I did not quite clearly understand the Senator. When he speaks of our own vessels, does he refer only to vessels engaged in the coastwise trade?

Mr. LODGE. I refer to all American vessels, no matter what they are engaged in. They are all alike.

Mr. HITCHCOCK. Does he refer to vessels engaged in the international trade in competition with others?

Mr. LODGE. All American bottoms. The American coastwise trade is well taken care of now.

Mr. HITCHCOCK. Does the Senator think that the United States has any greater right to grant free passage to vessels in our coastwise trade than it has to American vessels in the international trade?

Mr. LODGE. Before the Senator came in I stated that I did not see any distinction that could be drawn.

Mr. McCUMBER. Before the Senator from Massachusetts takes his seat I should like to ascertain if I understand him correctly as holding the proposition that no nation can interfere with the internal arrangements of another nation with reference to its own shipping, and whether he concedes that under the Hay-Pauncefote treaty Great Britain could remit to British ships the amount of the tolls that would be collected under the proposed treaty?

Mr. LODGE. Unquestionably. Great Britain can pay the tolls on every ton of British or Canadian tonnage that goes through our canal.

Mr. McCUMBER. Directly?

Mr. LODGE. I mean that the tolls, of course, would have to be paid into the treasury of the canal.

Mr. McCUMBER. But remitted?

Mr. LODGE. Remitted.

Mr. McCUMBER. If that is true, then any party to this contract can evade its purpose.

Mr. HITCHCOCK. I want to draw the distinction—

Mr. LODGE. One moment. I do not think so. Our promise is of equal tolls. We do not promise as to who shall pay those tolls or where they shall come from, or whether one nation shall help its shipping and another not. We simply say the tolls shall all be equal.

Mr. HITCHCOCK. I wish to call attention to the fact that while we obligated ourselves in the treaty to charge equal tolls to all countries, neither Great Britain nor any other country is under any obligation of that sort, and would not, therefore, be bound to any such obligation. How can the Senator—

Mr. LODGE. Great Britain has nothing to do with the tolls we charge.

Mr. HITCHCOCK. No. Yet the Senator stated that in his opinion Great Britain could pay the tolls on her vessels through the canal and therefore we could pay the tolls on our vessels.

Mr. LODGE. Certainly.

Mr. HITCHCOCK. Now, as a matter of fact that is not true, because Great Britain has entered into no obligation not to do so, whereas we have entered, as is claimed by Great Britain, into such an obligation.

Mr. LODGE. That is exactly what I deny. I deny that we agreed not to pay the tolls on our vessels if we saw fit.

Mr. HITCHCOCK. The Senator may deny that, but we have agreed not to charge any other tolls to foreign vessels than we do to our own.

Mr. LODGE. Then we come precisely to the position stated by the Senator from Missouri a few moments ago, that we have a more contracted right in our own canal than any other nation on earth.

Mr. HITCHCOCK. But the Senator realizes that the consideration which Great Britain gave for the new treaty was the abandonment of the Clayton-Bulwer treaty. That is the only consideration she gave. She gave no promise as to what she would do with her own shipping or what she would do with the Panama Canal tolls.

Mr. LODGE. Nobody did.

Mr. HITCHCOCK. We, however, in order to get rid of the Clayton-Bulwer treaty, did make a stipulation as to tolls, and Great Britain claims that, on her interpretation of that promise, we can not discriminate. It does not seem to me that we are in the same position that a foreign country is—

Mr. LODGE. I do not think we do discriminate.

Mr. HITCHCOCK. Because we have made a promise, and the other has made none.

Mr. LODGE. I do not think they are bound, and I do not think we are bound.

Mr. HITCHCOCK. But the Senator must see there is a difference, a distinction. We have made a promise, and they have made none.

Mr. LODGE. We have made a promise that all tolls shall be equal to all nations; that is all.

Mr. HITCHCOCK. But Great Britain has made no such promise.

Mr. LODGE. That is all we promised.

Mr. HITCHCOCK. My point is that Great Britain is not bound as we are bound. On any theory—

Mr. LODGE. Great Britain, of course, has not made a promise, because the canal is not hers.

Mr. HITCHCOCK. Yes; and probably it is not in point to say that Great Britain might refund the money—

Mr. LODGE. What I say is that we do not violate that promise if we pay our own tolls.

Mr. HITCHCOCK. The Senator will perceive that is a question which will have to be settled at The Hague.

Mr. LODGE. I do not agree to that at all. It is a domestic question.

Mr. HITCHCOCK. Does the Senator deny—

Mr. LODGE. If we were to declare that no American vessels should pay any tolls, then I grant you it would be a question as to the interpretation of the treaty to go to The Hague. I do not think the other is. I think the other is a domestic question, not within the purview of the treaty at all.

Mr. HITCHCOCK. But suppose, instead of saying that American vessels should pay no tolls, we pay them; that we shall say American vessels shall pay the same tolls as vessels of other countries, and then we will refund the money. Would we not be doing indirectly exactly what we have agreed not to do directly?

Mr. LODGE. Of course we should be subsidizing our vessels to that extent.

Mr. HITCHCOCK. Would we not be refunding the very money that we had collected?

Mr. LODGE. Certainly.

Mr. HITCHCOCK. And, certainly, we would be doing indirectly what we have agreed not to do directly.

Mr. LODGE. Of course we should be doing it.

Mr. McCUMBER. I do not see that the Senators are making any headway.

The PRESIDENT pro tempore. The Senator from North Dakota has the floor.

Mr. McCUMBER. Mr. President, the committee has reported to this body a bill which relieves coastwise vessels from the payment of tolls. The question first to be decided, therefore, is whether or not under the Hay-Pauncefote treaty and the agreement we made with Panama we have any moral or legal right to so discriminate. That is to be determined before we begin to consider the proposition of whether or not we can in some way evade it.

If the subject of the Panama Canal had no history whatever, Mr. President, prior to the Hay-Pauncefote treaty—if that instrument were the first declaration with reference to the American policy of an Atlantic and Pacific canal—I could not understand how anyone could construe paragraph 1 of article 3 in any way that would not include the United States in its provisions:

This paragraph reads:

1. The canal shall be free and open, in time of war as in time of peace, to vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

The phrase "of all nations on terms of entire equality" can not on any logical theory be construed to mean all nations but the United States.

If it is difficult for me to comprehend how any such strange construction could be placed upon the instrument itself, without a history, that difficulty becomes insurmountable when we take into consideration the declared policy of this Government during the long years of diplomatic correspondence, the many treaties, the consistent declarations of this Government through its executive and its legislative departments, the debates in Congress on the very subject of whether the word "all" included this Government, the effort to so amend that treaty so that the United States would be at liberty to discriminate in favor of its coastwise trade—when we consider all of these there is left no room for the slightest doubt, not only of the understanding of this country but of the understanding of the entire world, as to the proper construction of this paragraph.

DECLARED POLICY OF THE UNITED STATES.

I purpose to go back into the history of the events leading up to the adoption of the Hay-Pauncefote treaty with a view of presenting to the Senate the historical American attitude with reference to any canal that might be constructed by any State or any people connecting the oceans at the Isthmus of Darien. I will not, however, take up the time of the Senate in the details of the incidental questions—the colonizations of the new world which made the subject of an isthmian canal a living question, or any of the subordinate questions which incidentally involved the discussion of that subject.

As early as March 3, 1835, a resolution passed the Senate in the following words:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central American and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific Oceans, by the construction of a ship canal across the Isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

This is one of our early declarations that any canal that might be established should be established on terms of absolute equality to all vessels of the world.

This keynote, "the free and equal right to all nations," is a phrase that has been reiterated again and again in all our diplomatic correspondence concerning an isthmian canal.

Following this and on the 12th day of December, 1846, a treaty of amity, navigation, and commerce was drawn up and signed by the representatives of the United States and New Granada, now Colombia. The thirty-fifth article of this agreement provides:

And this equality of favors (relating to the equal treatment of American commerce with that of Granadan commerce) shall be made to extend to the passengers, correspondence, and merchandise of the United States in their transit across the said territory from one sea to the other. The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of product, manufacture, or merchandise of lawful commerce belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is under like circumstances levied upon and collected from the Granadan citizens.

I want to call attention to the words of President Polk in presenting this treaty. In his reference to it in his message to Congress he says:

In entering into the mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus. If the United States, as the chief of the American nations, should first become a party to this guaranty, it can not be doubted—indeed, it is confidently expected by the Government of New Granada—that similar guaranties will be given to that Republic by Great Britain and France. Should the proposition thus tendered be rejected, we may deprive the United States of the just influence which its acceptance might secure to them, and confer the glory and benefits of being first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer can not well be doubted, because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage but the guaranty of great commercial powers that the Isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

In a letter written to the Secretary of State, Mr. Clayton, on September 25, 1849, by our minister to France, he quotes an interview he had with Lord Palmerston. In the discussion of this question, in which he undoubtedly acted under the authority of his Government and represented its views, he stated:

That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practicable, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.

That is the ancient declaration of this country, and it is a declaration that has followed our policy all the way through down to and including the adoption of the Hay-Pauncefote treaty.

Again, he says:

That the United States would not, if they could, obtain any exclusive right or privilege in a great highway which naturally belonged to all mankind.

That while they aimed at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other commercial power.

Following this, in 1849, the Secretary of State, Mr. Clayton, in a letter to Mr. Lawrence, again defines the attitude of the United States toward Great Britain on the subject of the canal. In this letter our Secretary of State approaches Great Britain for the purpose of securing a canal through Nicaragua under the joint protection of both Governments.

He says:

If, however, the British Government shall reject these overtures on our part, and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by way of the port and river of San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interests independently of her aid and despite her opposition or hostility.

The Secretary then cited a treaty which had been obtained for this Government by Mr. Heis from the Nicaraguan Government, using that as a club to compel Great Britain to enter into the agreement which she afterwards entered into in the Clayton-Bulwer instrument.

Senator Davis, in commenting upon this incident, states as follows—and certainly we never have had a Senator who was a more thorough scholar or historian than Senator Davis:

This paper was submitted to the British Government. It was an explicit and peremptory demand for an agreement that would give to Nicaragua the freedom of exit to the sea through the San Juan River for a ship canal that should be open to all nations on equal terms and protected by an agreement of perfect neutrality.

In the origin of our claim to the right of way for our people and our products, armies, mails, and other property through a canal which our citizens had contracted with Nicaragua to build, we offered to make it neutral ground, and denied to our Government the exclusive right to use and control it.

We went further and, with a treaty in our hands in which Nicaragua had granted us exclusive rights and powers for building and owning a canal, we refused to ratify it, but laid it before Great Britain as an argument to induce that Government to withdraw her protectorate over the Mosquito Indians, who then claimed to hold the mouth of the San Juan de Nicaragua in lawful and independent sovereignty under the protection of Great Britain.

So, Mr. President, we were not only the moving spirit in securing the Clayton-Bulwer treaty, establishing therein a declaration of neutrality and the free use of any ship canal, but previous to that time we had declared that we would enter into no agreement, nor would we adopt any policy, that would give us independently or in connection with any other country an exclusive control of a canal.

Following this, again, in 1857 Lord Napier suggested the plan of a joint protectorate of any transoceanic canal through the Isthmus of Darien by Great Britain, France, and the United States. Mr. Cass, replying to that suggestion, stated:

It is important that they (the canals) should be kept free from the danger of interruption by the Governments through whose territories they pass or by hostile operation of other countries engaged in war.

While the rights of sovereignty of the local Governments must always be respected, other rights also have arisen in the progress of events involving interests of great magnitude to the commercial world and demanding its careful attention, and, if need be, its efficient protection.

In view of these interests and after having invited capital and enterprise from other countries to aid in the opening of these great highways of nations, under pledges of free transit to all desiring it, it can not be permitted that these Governments should exercise over them (the canals) arbitrary and unlimited control, and close them or embarrass them without reference to the wants of commerce or the intercourse of the world.

Equally disastrous would it be to leave them at the mercy of every nation which, in time of war, might find it advantageous, for hostile purposes, to take possession of them and either restrain their use or suspend it altogether.

Further commenting on this subject, Senator Davis in his report says:

Thus the United States in the beginning, before the Clayton-Bulwer treaty, took the same ground that is reached in the convention of February, 1900, for the universal decree of the neutral, free, and innocent use of the canal as a world's highway, where war should not exist and where the honor of all nations would be a safer protection than fortresses for its security. From that day to this these wise forecasts have been fulfilled and Europe has adopted, in the convention of Constantinople, the same great safeguard for the canal that was projected by Mr. Cass in 1857.

After the Clayton-Bulwer treaty had been adopted misunderstandings arose between this country and Great Britain as to its construction and intent. It was claimed on the part of the United States that this treaty superseded any claim of sovereignty by Great Britain over the Mosquito Indians in that section of the country at the mouth of the San Juan River, in which an English colony was located, and that it established the complete sovereignty of Nicaragua over all this territory. Great Britain refused her assent to this construction. Neither party, however, ever claimed any misunderstanding as to the intent of both Governments to maintain a neutral canal, as free to the use of the world as though nature had made the passageway.

Lest either nation might assume to annul the Clayton-Bulwer treaty, each one took the precaution to enter into new agreements with Nicaragua, which bound that State to insure the free use of any canal she might either authorize to be built or should herself construct in her territory. Neither of them attempted to secure any special privileges.

On February 11, 1860, a treaty was drawn up between Great Britain and the Republic of Nicaragua providing for an isthmian canal. In this agreement the British Government agrees to extend her protection to all such routes of communication as may be constructed and to guarantee the neutrality and innocent use of the same. And on the other side the Nicaraguan Government agreed as follows:

No hire or other charges or tolls shall be imposed on the conveyance or transit of the persons or property of subjects of Great Britain or of subjects or citizens of any other country across the said routes of communication than are or may be imposed on the persons and property of citizens of Nicaragua.

Great Britain has never claimed or demanded exclusive control for her own vessels, but in all her treaty stipulations with either Nicaragua or any other Government in that vicinity she has insisted that the world should have exactly the same opportunities that she herself might enjoy.

Then the United States did not wish to be behind Great Britain, and a few years thereafter, and on the 21st day of June, 1867, the United States entered into an agreement with Nicaragua in almost the same words. Article 14 of this treaty provides:

The Republic of Nicaragua hereby grants to the United States and to their citizens and property the right of transit between the Atlantic and Pacific Oceans through the territory of that Republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both Republics and the respective citizens.

Article 15 of this treaty provides:

No tonnage or other duties shall be imposed or levied by the Government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country intended, bona fide, for transit across the said routes of communication, and not for consumption within the Republic of Nicaragua.

Remember that the South American nations have rights here as well as Great Britain and the United States. They must necessarily have more or less of a coastwise trade. This treaty related to the authority of the citizens of the United States in the construction of a canal.

In agreeing to the Hay-Pauncefote treaty it was the purpose of the United States to place itself exactly in the same position it would have been in had the canal been constructed by France, by Nicaragua, or any other Central American State. We claimed no special privileges because the money represented our investment. It was believed that the tolls charged and the charges derived specially by the United States would compensate us for the investment.

Senator Davis, in his report on the Hay-Pauncefote treaty, declared its purposes in concise language and asserted boldly that the United States was to obtain no other privileges than those granted to the nations of all the world.

He states:

No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war, and always open, on terms of impartial equality, to the ships and commerce of the world.

Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.

The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public international act for its neutralization that is an honor to the civilization of the age. It is the beneficent work of all Europe, and not of Great Britain alone. Whatever canal is built in the Isthmus of Darien will be, ultimately, made subject to the same law of freedom and neutrality as governing the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control.

The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by all nations, without discrimination.

To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries would be unworthy of the United States if we owned the country through which the canal is to be built.

But the location of the canal belongs to other governments, from whom we must obtain any right to construct a canal on their territory, and it is not unreasonable, if the question was new and was not involved in a subsisting treaty with Great Britain, that she should question the right of even Nicaragua and Costa Rica to grant to our ships of commerce and of war extraordinary privileges of transit through the canal.

It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of a canal through those States on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888; or if we could compel them to give us such advantages over other nations, it would not be creditable to our country to accept them.

On the question of the canal being built with our own money, and any special rights to be derived from that fact, Senator Davis says:

I especially call the attention of those Senators who insist that by reason of our investment we should claim some special privilege to the report upon which the Senate acted when they ratified the Hay-Pauncefote treaty:

That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost we are not called on to divide the profits with other nations. If it is worth less and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

The Suez Canal makes no discrimination in its tolls in favor of its stockholders and, taking its profits or the half of them as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment.

In time of war, as in times of peace, the commerce of the world will pass through its portals in perfect security, enriching all the nations, and we of the English-speaking peoples will either forget that this grand work has ever cost us a day of bitterness, or we will rejoice that our contentions have delayed our progress until the honor has fallen to our grand Republic to number this among our best works for the good of mankind.

Now, I call the attention of Senators to the first annual message of President Cleveland. In this message, speaking on the same subject, he says:

Whatever highway may be constructed across the territory dividing the two greatest maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for assault or a prize for warlike ambition.

Senator Morgan made a minority report, and although he differed with the majority upon the question of the point of location, that eminent scholar and historian agreed entirely with the report of the majority when he said:

The treaty under consideration is for the avowed purpose of removing any objection that may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the United States, without impairing the general principle of neutralization established in Article VIII of that convention.

That general principle, as it is modified or specially defined in this treaty, is all that is left of the Clayton-Bulwer treaty, as now being in continuing force.

Again he says:

Then this convention, in Article II, proceeds to define and formulate into an agreement, intended to be world-wide in its operation, "the general principle of neutralization" established in Article VIII of the Clayton-Bulwer treaty, on the basis of the treaty of Constantinople of October, 1888, relating to the Suez Canal.

Nothing is given to the United States in Article II of the convention now under consideration, nor is anything denied to us that is not given or denied to all other nations.

Now, what is this article 8 of the Clayton-Bulwer treaty which we have practically adopted and declared to be the principle upon which the United States should proceed in the construction of this canal? It is as follows:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but, also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

We guaranteed under that article not only that we would not discriminate or allow such discrimination between Great Britain and the United States, but that the same treatment should be accorded to every other foreign nation as would be accorded to those two, and thus specifically brought ourselves within the provision of "all" nations of the world.

Mr. President, is it possible, in the light of all these discussions, in the light of the history of the case, in the light of these reports, and in the light of the open discussion on the floor of the Senate, when no man on the floor of the Senate, during all of the time this Hay-Pauncefote treaty was before this body, was ever bold enough to claim that the treaty was open to the construction that the word "all" did not include the United States, that any man can now state that the United States is not included in the stipulations of the treaty? If we so intended, was it not our moral duty, a duty we owe to our own national honor and to every other nation of the world, to make that declaration clear and explicit?

We not only failed to make such claim, but by a vote of 43 to 27 we declared against any such policy. We met the question that was presented to us in the consideration of that treaty fairly and squarely. Let us see. While the matter was under consideration, Senator Bard offered the following amendment:

Strike out all of Article III and substitute the following: "Article III. The United States reserves the right in the regulation and management of the canal to discriminate in respect to the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade."

The Senate had the opportunity to declare then and there whether the United States, as a party to this solemn obligation, would insist on those rights or whether it would renounce them, and by a vote of 43 to 27 the Senate of the United States, the only body in conjunction with Great Britain that could

make the law, renounced that claim forever; and it is too late for us now to come in and claim that we can evade it by any character of a subterfuge. In the face of this can we honorably claim that there was a secret understanding?

Mr. BACON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Certainly.

Mr. BACON. If the Senator will permit me, I think he could state it a little stronger than he did when he used the word "renounced." We were then engaged in the making of a new treaty with Great Britain, and, of course, if Great Britain would have agreed to that arrangement it would have been a legitimate contract and covenant between the two. What the Senate of the United States then did was to decline even to make that demand upon Great Britain. We declined to say that we would contend for that. We not only by that action in fact recognized that there was an obligation of that kind under the Clayton-Bulwer treaty, but we declined to contend that that should be surrendered by Great Britain and that a new contract should be made, to which they would not have agreed.

I wish to say, if the Senator will pardon me a moment, in this connection, as I am one of those recorded as voting in favor of the Bard amendment, that my idea at that time was not that any part of the merchant marine of the United States should have free transportation or free right of passage through the canal, but I was standing simply upon the ground that I thought the United States should have the right to control whatever tolls were imposed and discriminate in favor of our own citizens if we saw fit to do so. I do not wish myself to be considered as being committed by that vote to the principle of free passage for American ships in the canal.

Mr. McCUMBER. I think the vote was clearly a declaration of our intent and purpose not to demand free tolls for our own coastwise trade. That is all that I am citing it for.

Mr. BACON. That would be true; and further than that, not to discriminate, that even if we charged tolls we would charge no greater tolls for the ships of foreign countries than for the ships of our own country.

Mr. McCUMBER. Certainly.

Mr. President, in the face of this can we honorably claim that there was a secret understanding or a secret purpose in our minds to claim a construction directly opposed to what we had declared in our vote should not be our policy? If so, we were neither honest with ourselves nor with the world.

Touching the consideration of this treaty, the benefits to be derived by the United States, and the right surrendered by Great Britain—and a right surrendered is always an important consideration—Senator Davis says:

Great Britain consents to remain under the prohibitions of article 1 of the Clayton-Bulwer treaty, namely, that she shall not have authority to construct or control a canal, and consents that the United States shall be released from that obligation.

Clearly, Mr. President, does this not carry such a valuable consideration, such an important consideration, that we would be in honor and in duty bound to recognize its obligatory force? Before this Hay-Pauncefote treaty was entered into Great Britain already had a treaty with Nicaragua and, I think, another with Costa Rica, granting her or her citizens the right to construct a canal. If the United States had said to Great Britain, when we construct a canal with our money we will grant free tolls to our coastwise trade, but will not allow you to have free tolls for your coastwise trade on the eastern and western shores of Canada, I think Great Britain would have hesitated a long time before she would have surrendered her right to construct a canal in conjunction with Canada or in conjunction with any of the Central American Republics if she had desired so to do. She was interested not in dollars and cents as a measurement of coastwise trade to the same extent that we are, and in the same degree, but she was interested in the same manner that we were interested in having the same charges of tolls for her Canadian coastwise vessels placed upon an equality with ours.

Senator Davis continued:

If this convention is ratified Great Britain could not negotiate with Costa Rica or Nicaragua or any other American State for any right to build, own, control, manage, regulate, or protect a canal to connect the oceans, while the United States is left free to enter upon and conclude such negotiations.

Mr. President, having secured the surrender by Great Britain of all of her treaty rights now and hereafter to either construct or be a party to or own or control any highway across the Isthmus, upon the consideration directly that we would treat the vessels of all countries exactly the same without the slightest discrimination, I say that we are in honor bound to stand by our agreement.

It has been suggested here, Mr. President, that neither Great Britain nor any other country could engage in our coastwise trade and therefore they would necessarily have no interest. But a vessel from Vancouver can engage in coastwise trade; a vessel from Victoria can engage in coastwise trade. A vessel loaded with lumber from Victoria can be taken to New York. A vessel from Seattle can take its cargo of lumber to New York. We by disregarding this treaty and allowing our own coastwise vessels to go free through the canal give a preferential right to our coastwise trade, not as against the coastwise trade of any other country, but as against any foreign competing vessel entering our ports.

Mr. BRISTOW. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I yield to the Senator.

Mr. BRISTOW. I desire to correct the Senator in the statement that a vessel carrying lumber from Vancouver to New York would be coastwise trade. It is not so designated in our legislation.

Mr. McCUMBER. I did not say so.

Mr. BRISTOW. I understood the Senator to say it.

Mr. McCUMBER. No; I did not. I said that while a vessel from Victoria to New York would not be coastwise trade, a vessel from Seattle to New York would be coastwise trade, and allowing one free tolls you allow the coastwise trade a preference over the other foreign vessels, and to that extent you disregard the stipulations of your treaty.

Mr. BRISTOW. The Senator simply misstated it. He said it would be coastwise trade. He did not mean it, I understand.

Mr. McCUMBER. I do not think I said it.

Mr. President, an attempt has been sought here in an argument to establish the fact that we have authority to do indirectly that which we can not do directly. I think the Senator from New York [Mr. O'GORMAN] is anxious to take the floor, and I will not take up that subject this afternoon; but I do desire to discuss it at some time in the future before this measure is disposed of.

Mr. O'GORMAN obtained the floor.

Mr. HITCHCOCK. If the Senator from New York will allow me, I think this is a matter of such importance that we ought to have a quorum, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nebraska suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Lodge	Shively
Borah	Dillingham	McCumber	Simmons
Bourne	du Pont	Martin, Va.	Smith, Ariz.
Bradley	Fall	Martine, N. J.	Smith, Ga.
Brandegee	Fletcher	Massey	Smith, S. C.
Briggs	Gallinger	O'Gorman	Smoot
Bristow	Gambie	Oliver	Stephenson
Bryan	Gronna	Overman	Stone
Burnham	Heyburn	Page	Sutherland
Catron	Hitchcock	Paynter	Swanson
Chamberlain	Johnson, Me.	Percy	Thornton
Clapp	Johnston, Ala.	Perkins	Townsend
Clark, Wyo.	Jones	Pomerene	Warren
Crane	Kenyon	Reed	Wetmore
Crawford	La Follette	Root	Williams
Cullom	Lippitt	Sanders	Works

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on this roll call and was absent on the other roll calls of the day because he is unavoidably detained from the city.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. A quorum of the Senate is present. The Senator from New York.

Mr. O'GORMAN. Mr. President, I do not share in the doubt which seems to prevail among certain Members of the Senate as to the true construction that should be placed upon the language of the Hay-Pauncefote treaty. In my opinion there is not a line in that treaty that should prevent the United States from exempting American ships from the payment of tolls while going through the Panama Canal. If the contrary view should prevail, the American people would be much surprised that so little regard for American rights was manifested at the time of the adoption of the Hay-Pauncefote treaty, because if the view alluded to be the correct one, it must follow that while the United States has expended \$400,000,000 of American money in the construction of this canal, its citizens must be denied the rights that are enjoyed by the subjects of Great Britain and of every other foreign power, although the only Government under this treaty that has assumed a specific burden is the Government constructing the canal—the Government of the United States. England assumes no burden under this treaty; the other nations of the world that may come in and make use of the canal assume no specific burdens beyond the payment

of the tolls and the agreement looking to the neutralization of the canal itself.

There is nothing in this treaty that can prevent England from remitting every cent of tolls paid by English ships going through the canal; there is nothing in the treaty to prevent any foreign power from remitting by subsidy or otherwise, or reimbursing by subsidy or otherwise, every dollar expended by its subjects by way of tolls. Under the construction placed upon this treaty by Senators who have spoken the only power in all the world that is hampered and shackled in its duty to its own citizenship is the one country that has expended \$400,000,000 in the construction of this vast enterprise. If the view suggested by the Senator from North Dakota [Mr. McCUMBER] be a correct one, the American people may well exclaim that their rights were neglected when the Hay-Pauncefote treaty was adopted, because there can be no question in any legal mind that every foreign power may do with respect to its own shipping passing through the Panama Canal what it is said America can not do with respect to American shipping; but I do not believe that that construction urged by the Senator who has just taken his seat is a true or a correct one.

Copious extracts from textbooks on international law and chapters from the history of diplomatic relations in America may be interesting but they are not always illuminating. This treaty must find its construction in the language employed within the four corners of the treaty; and I assert, with every confidence, that under the treaty the United States may do as it will with respect to the shipping of this country. Let me call your attention to the language:

ARTICLE I. The high contracting parties [England and the United States] agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

This is generally spoken of as the Clayton-Bulwer treaty.

In order that historical facts may be remembered, I might pause at this point to remind the Senator from North Dakota [Mr. McCUMBER] that England has no moral right or justification in her present attitude. If it were conceded that she has some claim, some technical right to interpose this objection, it comes with a poor grace from a nation that from time to time has professed the greatest regard for the United States. England, as I have already stated, has not contributed a penny to this gigantic enterprise. In a period of political timidity the people of these United States, faithless for the time being to the Monroe doctrine, hesitated about projecting and carrying out this enterprise until Great Britain gave its approval. Ten or more years before 1850 the United States by treaty relations with the Central American States, and particularly with the then Republic of New Grenada, procured the necessary permission to construct a canal. England, hearing of it, insisted upon being a party to the enterprise. Under the belief that England would supply the funds, would furnish the money necessary, the Clayton-Bulwer treaty of 1850 was signed; but that England repeatedly violated the provisions of that treaty can not be seriously disputed by any student of the diplomatic history of England and of the United States during the past 60 years.

The Clayton-Bulwer treaty for years was regarded as obsolete; it had been violated by England and ignored by the United States. That was the position in 1901, 51 years afterwards, when negotiations were commenced which resulted in the Hay-Pauncefote treaty. The Clayton-Bulwer treaty and the subsequent negotiations, covering a period of some years, were based upon the notion that the canal was to be built on alien soil; and in all the negotiations alluded to by the Senator from North Dakota there was never a suggestion, until 1901, that the Panama Canal would be constructed by the United States on territory of the United States. As an American, I can not but express my regret that the Government at that time so signally failed in a rigid observance of the Monroe doctrine as to permit Great Britain or any other foreign power to say, in substance, "The United States of America, with its then 80,000,000 people, can not construct an enterprise of great and vast importance on its own territory at its own expense without securing the approval of Great Britain."

To resume the language of the treaty:

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

That language I have just read is free from doubt. It says, in substance, that the Government of the United States will possess and enjoy all the rights of ownership, except as indicated in the treaty—subject only to the provisions of the present

treaty—the United States will enjoy exclusive control and power over the canal.

Now we proceed to article 3:

The United States adopts—

I call your attention to the use of the word "adopts"—

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal; that is to say—

This is one of the rules adopted by the United States by virtue of the express command of the treaty—
the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules.

The United States adopts the rules; the United States makes the rules, and then the treaty proceeds to say that—

The canal shall be free and open to the vessels of commerce and of war of all the nations observing these rules,
indicating at once, as it is clear to my mind, a distinction between the government that makes the rules and the government that observes the rules. To repeat:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation—

That is, one of the nations observing the rules—
or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

I do not see room for doubt as to the construction that should be placed upon so much of article 3 as I have already read. In substance, it provides that the United States will adopt certain rules, and that there shall be equality observed among the nations observing those rules which have been prescribed by the United States.

If we were to concede that the United States was placed on an absolute equality with other nations, it would even then follow that this treaty would not be violated by the United States extending to our coastwise vessels exemption from tolls, because the language is:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects.

The words "so that there shall be no discrimination" necessarily qualify the preceding words "on terms of entire equality"; and the paramount thought is that there will be no discrimination practiced among those nations observing the rules which are laid down by the United States.

There can not be discrimination unless there is an interference with competition; there can never be discrimination where there is not now and where there has not been competition. There is no competition between American vessels engaged in the coastwise trade and foreign vessels, and therefore, in that aspect alone, there would be no violation of the treaty, even though generally the views of the Senator were correct. But if the vital proposition that I advance to you should not be correct—and that proposition, to be clear, is that the nations referred to in subdivision 1 of article 3 do not embrace the United States, because they are confined to the nations observing the rules which the United States have prescribed—if you are to give this a strict reading and a narrow and unreasonable interpretation, every time an American man of war passes through our canal you would have to pay a toll, because the language is:

The canal shall be free and open to the vessels of commerce and of war of all nations.

Who will claim that it was necessary for the United States publicly to declare that our canal would be open to our own vessels of war? And yet, unless you draw a distinction between the United States and all the other nations, you must say that there was some reason for the United States declaring that her own vessels of war could use her own canal. That is a preposterous suggestion which can not find lodgment in any mind in this body.

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Wyoming?

Mr. WARREN. Will it disturb the Senator if I ask him a question?

Mr. O'GORMAN. Not at all.

Mr. WARREN. I am much interested in the remarks of the Senator from New York, and they are along the line of my own thought. I want to ask him what would be the worst that could happen if we were wrong and should enact the legislation proposed and the matter should go to The Hague? Would it not be at the utmost simply to return the money we had collected?

Mr. O'GORMAN. That would, in my judgment, be the extreme penalty; but I do not believe Great Britain would ever attempt to make this the subject of inquiry by The Hague court, because she would be without moral support, and she would be giving the lie to her professions of sincerity and good will of a century.

Mr. WARREN. I agree with the Senator, but in legislation as in business it is always best to look at both sides and to know what the relations might be and what the alternatives. It seems to me that the worst that could happen would be, after collecting the tolls and enjoying for a time the use of the money, to find that we might be compelled to return all or some portion of it; and that would be the extreme penalty.

Mr. O'GORMAN. And that would bring its compensation, because it would inevitably lead to the denunciation of this treaty and its abrogation.

Mr. WARREN. And an entire settlement as to all questions.

Mr. O'GORMAN. Certainly.

Mr. WARREN. Yes. It strikes me that that is the natural working out of the problem.

Mr. O'GORMAN. Now, will Senators let me call their attention to another circumstance?

Mr. LODGE. Will the Senator allow me to interrupt him on another point—the matter of warships? I said nothing about it while I was speaking. The Senator from New York says very justly that the provision is as to ships of commerce and war. We must pay the toll on our own warship going through the canal.

Mr. O'GORMAN. If this narrow, unfounded, and unreasonable interpretation is to prevail.

Mr. LODGE. If that is to apply. But if we pay the toll on our own warship, the money goes into our own Treasury and the warship goes through free, practically, does it not?

Mr. O'GORMAN. That would be the effect.

Mr. LODGE. I mean that is the effect. The warship goes through free. Why is it not indirectly a violation of the treaty and of good faith to let our warship go through free? That is only a point which I thought worth considering.

Mr. O'GORMAN. The second paragraph of subdivision 1 of article 3 reads as follows:

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

Now, if the view advanced by the Senator from North Dakota be true, this is a prohibition on the conduct of the United States. The United States can never blockade its own canal. This canal, upon which we have expended almost half a billion dollars, is to be kept open even as a means of transit for the war vessels of an enemy bent upon doing destruction upon our coasts. Who is there in the Senate who will assert that under this treaty we are not at liberty, for our own defense and in protection of our own citizens, to blockade that canal whenever the public welfare demands it? That is a right reserved to us, but enjoyed by no other nation; and that must follow if my previous proposition be a correct one—that the nations spoken of in subdivision 1 of article 3 do not embrace the United States.

As I have pointed out, the right of absolute ownership is recognized in the United States by this treaty, subject only to such rules as the United States adopts under the language of the treaty, and then the treaty as to neutralization is enforceable against all nations observing the rules prescribed by the United States.

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Connecticut?

Mr. O'GORMAN. Certainly.

Mr. BRANDEGEE. The Senator from New York read the first two lines of the second paragraph of article 3 of the treaty, but did not read the following, to wit:

The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

The first two lines, which the Senator did read, provide that "the canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it." If the United States is not subject to these rules, why was it thought necessary, in the language I have read, to specifically exempt the United States from a prohibition against policing the canal?

Mr. O'GORMAN. I can not imagine that it will be claimed that that is an exclusive right, and in my judgment it is quite consistent with the general right of ownership and control asserted by the United States.

Mr. BRANDEGEE. If the United States is not governed by these rules, it would have the right to blockade the canal, would it not?

Mr. O'GORMAN. I have asserted that, and I would be surprised to hear a Senator in this body declare that in the face of an enemy the United States was powerless to shut out war vessels bent upon doing destruction to our commerce and our people.

Mr. BRANDEGEE. The right to blockade does not apply simply where we are at war with somebody else. This provision here is that the canal shall be free and open to the ships of all nations observing the rules. I understand the Senator claims that we are not one of the nations which are to observe any of these rules.

Mr. O'GORMAN. We make the rules, and we insist upon uniformity in their observance by the nations making use of our canal.

Mr. BRANDEGEE. But is it the Senator's position that we make these rules and enforce them against all other nations and that we alone are at liberty to violate them?

Mr. O'GORMAN. No; we do not violate them. We are not bound by the language of the treaty to observe the rules now referred to. That duty rests upon the other nations. We make the rules. The other nations observe them and thus are permitted to use our canal. That is the precise language of the treaty. We build the canal and permit the nations of the world to use it on certain terms which they must respect.

Mr. BRANDEGEE. The Senator does not think we ourselves are bound to observe any of the rules?

Mr. O'GORMAN. No further than our obligations go. One of the rules is that we will work no discrimination among these foreign nations. We must observe that requirement, and in return for that the foreign nation making use of our canal will pay the reasonable toll charges and will subscribe to the doctrine of the neutralization of the canal. But we are untrammelled in all our rights except where specific restraint is placed upon us, and the only restraint in substance is that we shall work no discrimination among the nations of the earth in allowing their vessels to use our canal. When we put all foreign nations on the same basis as regards tolls, we do all that can reasonably be required of us. Under the view contended for on the floor this morning England's rights in the Panama Canal are superior to ours, although England has not contributed a dollar to the enterprise.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Oregon?

Mr. O'GORMAN. Certainly.

Mr. CHAMBERLAIN. I think that is exactly the position which was taken by the Senator from Massachusetts [Mr. LODGE], if I understood him correctly, because he stated when he reported the treaty to the Senate that he did not understand that "all nations" included the United States.

Mr. O'GORMAN. He distinctly stated that if he had understood that that interpretation was possible he would never have reported this treaty. As chairman of the Committee on Foreign Relations he reported the treaty and believed that the United States might do as Congress saw fit with respect to our own citizens.

Mr. CHAMBERLAIN. So he did. And now, if I understand him correctly, notwithstanding the fact that that was his view at the time the treaty was reported, he yet favors the abandonment of our rights, and in solving the doubt that ought to be solved in favor of the United States he solves it in favor of Great Britain, so that this matter may go to The Hague with the impression given it by the Senate that we have solved the doubt against our own people.

Mr. PAGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Vermont?

Mr. O'GORMAN. Certainly.

Mr. PAGE. I well remember the brief discussion I had with the Senator from New York [Mr. O'GORMAN] before our committee in regard to this matter; and I think I was quite persistent in asking him why, if we meant "all other nations," we did not put in the word "other" and make ourselves understood.

But, it seems to me, there is another fact that should be considered in connection with what the Senator from Oregon has just said; that is, that we discussed this whole proposition in 1901, when the treaty was before the Senate. I observe that the senior Senator from Georgia at that time moved, as I have it here, to strike from the preamble the words "without impairing the general principle of neutralization," and so forth, and also to strike out all of sections 3 and 4.

But the point I wish to raise, and especially to call the attention of the Senator from New York to, is that at the time the amendment was being considered Mr. Bard—who, I think,

was then a Senator from California—moved to strike out article 3 and substitute the following:

ART. III. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

This amendment, after discussion before the Senate at that time, was voted down by a vote of 43 to 27. In the discussion, if I remember correctly, it appeared that if we had not done this we could not have made the treaty with Great Britain at that time.

Mr. O'GORMAN. Is it not possible, as stated by the Senator from Massachusetts, that the reason that change was not made was because he and his associates believed that the United States, the owner of the canal, the Nation that prescribed the rules for others to follow, was not bound by the terms she imposed upon others, except in so far that she would work no discrimination among foreign nations with respect to the use of the canal?

Mr. PAGE. Mr. President, if I may be allowed to reply, that may be correct. But it seems to me we are foreclosed when it is shown by the Record that after a long debate, and after having this matter brought up and discussed at that time as it is being discussed now, we abandoned our position by a vote of almost two to one—43 to 27.

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Connecticut?

Mr. O'GORMAN. Certainly.

Mr. BRANDEGEE. I do not desire to intrude upon the Senator's time, for I know he is in a hurry. But I intended, at the close of the speech of the Senator from North Dakota [Mr. McCUMBER], to call the attention of the senior Senator from Georgia to page 4 of the views of the minority in the House report on the House bill, where the following is stated:

With further reference to the Bard amendment, we have been granted authority to quote from a letter recently written by Senator Bard, in the course of which he states:

"When my amendment was under consideration it was generally conceded by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment."

He states there that "it was generally conceded by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line."

Mr. O'GORMAN. That is in accord with the recollection of the Senator from Massachusetts.

Mr. BRANDEGEE. I wanted to ask the Senator from Georgia how it accorded with his recollection of what was generally conceded among Senators, if he recalls.

Mr. BACON. Mr. President, I am very glad to respond definitely to the Senator; but my recollection is very much in accord with what has been stated by the Senator from Massachusetts as his—that there was really little or no expression upon the subject. I have no recollection of any such general consensus of opinion, and I am very frank to say that I myself have never been of that opinion. I was not then, and I am not now.

Mr. O'GORMAN. Which opinion?

Mr. BACON. That under the general terms of the treaty that right would exist without the adoption of the Bard amendment.

Mr. O'GORMAN. The Senator thinks it would?

Mr. BACON. I think it would not. I repeat that I do not recall that there was much said on the subject, and in that respect the recollection of the Senator from Massachusetts agrees with mine.

My own recollection of my mental attitude is simply this: I myself voted for the Bard amendment, not because I had ever been in favor of the free passage of ships through the canal, but because at that time, when we were making a treaty, when we were fixing terms which, if agreed to, would be binding upon both parties, I was of the opinion that if we could do so it would be to our interest to make the best terms we could, which would leave us as free as practicable to manage the canal according to our own judgment and our preferences as to favor to our own ships or foreign ships.

I think the Senator will find there were other amendments for which I voted, though I have not had an opportunity to look the matter over carefully. My general recollection is, however, that there was one which gave the right of fortification and defense, as to which I was also of the same mind, believing that if we could get an agreement with Great Britain to that effect it was to our interest to secure to ourselves as perfect and as

complete control of the canal in all particulars as was practicable or possible.

Therefore I voted on that side, not with a view to the free passage of our own ships through the canal, but with the view that if we saw fit to discriminate in favor of them in any degree we should be at liberty to do so—in other words, that we should be free to do as we thought best thereafter.

I always have recognized, however, or at least I always have been of the opinion since then, and was at that time, that the intent and understanding of the treaty was that we did not secure what I attempted to secure by voting for those two amendments. There may be others. I have not had the opportunity to look into the matter of late, but I recollect those two amendments.

Mr. WORKS and Mr. BURTON addressed the Chair.

Mr. O'GORMAN. I yield to the Senator from California.

Mr. WORKS. The Senator from Connecticut has anticipated what I was about to say by reading from the records a statement made by Senator Bard with respect to his amendment and the reason why it was voted down.

I simply wish to say that I have in my hand the original letter of Senator Bard making that statement—that the reason for voting down his amendment was that it was generally regarded by the Senate as unnecessary, and that that construction should be placed upon the treaty irrespective of any amendment of that kind.

Mr. CLAPP. Will the Senator yield to me for a moment?

Mr. O'GORMAN. Yes.

Mr. CLAPP. In answer to the suggestions of the Senator from Vermont [Mr. PAGE], I will say that I think it was quite generally understood then that the reason for voting down the proposition to authorize the fortification in express terms was that under the treaty we had the right to fortify without that particular provision. I know I was here at the time, although I do not recall all of the speeches. But while some of us voted insisting in some instances that these things should be explicit and in others voting with the majority upon the ground that they were covered anyhow, I believe, both with reference to the coastwise trade and especially with reference to the question of fortification, that many of the votes cast against those express provisions were cast upon the theory that without them we nevertheless had the right to do them.

Mr. O'GORMAN. That the provisions were unnecessary?

Mr. CLAPP. Yes; that they were unnecessary.

Mr. O'GORMAN. In that connection, Mr. President, I wish to observe that if the views advanced by the senior Senator from Ohio yesterday be correct with respect to the construction of this treaty, then you declare that whatever may be the emergency, the United States can not fortify the canal; and no matter how great may be the menace from an enemy, we must permit the enemy to use our canal to aid in working havoc upon our coasts and upon our people.

Mr. BURTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Ohio?

Mr. O'GORMAN. I do.

Mr. BURTON. I have not my remarks before me; but if the Senator from New York will do me the honor to read them carefully, he will find that no such inference as that could be derived from them.

Mr. O'GORMAN. I understood that the Senator from Ohio and my own colleague declared, either yesterday or the day before, that we could not exempt our own shipowners from paying tolls through the canal without violating this treaty; and I take issue on that proposition.

Mr. BURTON. I stated that both in regard to the coastwise and the foreign trade. I am confident in that opinion. But as regards fortifying the canal, I made a statement that is quite the contrary of that ascribed to me by the Senator.

Mr. O'GORMAN. I am asserting my view and my opinion that if it be conceded that the remission of tolls to our shipowners works a violation of this treaty, then it must follow that we can not fortify the canal.

Mr. BURTON. Then, as I understand, the statement of the Senator from New York is based on an inference that the assertion of equality of tolls and the denial of the right to remit the tolls necessarily carries with it the inference that there can be no policing of the canal, no protection of it, and that in time of war we are helpless against the ships of an enemy.

Mr. O'GORMAN. I have spoken in vain if I have not made it clear to Senators that my proposition is that under the treaty the United States is in exclusive control of and power over the canal, subject only to the granting to foreign nations of the right to make use of it for the purposes of transit without discrimination as among themselves; and that therefore this rule,

which relates to the nations observing these terms, does not embrace the United States. The United States prescribes, creates, and establishes the rule; and the treaty itself makes a manifest distinction between the creator of the rule and those who under its express terms are required to observe it.

Mr. BURTON. Mr. President, I was unfortunately absent until a few moments ago, and I did not hear all the remarks of the Senator from New York. What I expressly desire to understand, however, is his view on this subject: Does a rule against discrimination in favor of our own domestic shipping, and our foreign shipping as well, by implication prevent us from fortifying the canal or exercising preference for our own ships in time of war?

Mr. O'GORMAN. Yes; because if the Senator's view is to prevail it must follow that the inhibition placed upon the various nations embraces and is applicable to the United States. If that narrow view be adopted, it will follow that even as to the United States the canal can never be blockaded. There is no affirmative declaration of the right of the Nation or any nation to fortify it, and it must be found in the general right residing in the United States to exercise all powers of ownership and dominion, except in the one respect to which I have called the attention of the Senator.

Mr. BURTON. I must maintain that there is an absolutely vital distinction between the two, based on the difference between a state of peace and a state of war, between commercial ships and warships.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. O'GORMAN. I do.

Mr. LODGE. In connection with the matter of fortification, the original treaty, the first Hay-Pauncefote treaty, contained, in article 2, section 7, a provision that—

No fortifications shall be erected commanding the canal or the waters adjacent.

That was left out of the second treaty, and purposely left out. The first treaty also included the amendment put in by the committee and agreed to by the Senate:

It is agreed, however, that none of the immediate foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

I know that the omission of the prohibition of fortifications in the second treaty was considered all sufficient.

Mr. CUMMINS. Mr. President, I was absent from the Chamber a moment ago, and therefore it may be that without my knowledge the Senator from New York has referred to what I am about to suggest. I do it to emphasize what he has already said.

If these rules are applicable to the United States—that is, if the phrase "all nations" embraces the United States—then I suggest that rule 3 is also mandatory upon us.

Mr. O'GORMAN. That would follow.

Mr. CUMMINS. It provides:

Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary.

I should like to ask the Senator from Ohio, or any other Senator who takes his view of the case, whether, in the event of a war in which the United States is one of the belligerents, it would be a violation of this treaty if one of our ships should take on supplies in or about the canal?

Mr. BURTON. Mr. President, I answer the question most emphatically "no," because a state of war suspends treaties. There are certain rights that are secured by treaties which, if not abrogated, are at least suspended by a condition of war.

Mr. CUMMINS. Why, Mr. President, it is a state of war that is provided for in the treaty.

Mr. LODGE. Surely the Senator from Ohio does not mean to suggest that if we have a war with Japan or Germany that suspends a treaty between us and Great Britain.

Mr. BURTON. No; I thought that was clearly understood—that it is a treaty with the country with which we are at war.

Mr. LODGE. I do not understand that the Senator from Ohio suspends a treaty between us and Great Britain.

Mr. CUMMINS. If the United States were at war with any country, under the terms of this treaty, if we observed it according to the rule laid down by the Senator from Ohio, we would be a belligerent, and we would no more be permitted to supply our ships in the Canal Zone than would the ships of the other belligerent.

I also call the attention of the Senator from New York to the further provision:

No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

If the United States is within the phrase "all nations," then that provision would apply upon us in the event of a war between us and any other country in the world. I simply mention this because I think the conclusions of the Senator from New York are absolutely unanswerable.

Mr. HEYBURN. I should like to make an inquiry of the Senator from Iowa. Can it be possible that any construction could be placed upon the treaty that would prevent us from disembarking troops on our own territory between the two ends of the canal or loading or unloading munitions of war upon our territory on the land?

Mr. CUMMINS. If the phrase "all nations" includes the United States, then in the event of a war between the United States and any other country we would be denied those privileges and those rights in the canal, according to the terms of the treaty.

Mr. HEYBURN. Suppose a war existed between the United States and some nation that was not a party to the treaty.

Mr. CUMMINS. Under the terms of the treaty, as interpreted by the Senator from Ohio, that would make no difference whatsoever.

Mr. HEYBURN. Is there not some basis for interpreting the treaty so that it would not include our Government within the term "all nations"?

Mr. CUMMINS. I think it is a conclusive reason for not interpreting the treaty in that way.

Mr. O'GORMAN. Mr. President, to resume, there were six rules laid down in the Hay-Pauncefote treaty which were to be observed by all foreign nations. Free and uninterrupted use of the canal for the purposes of commerce and of war constitutes the first paragraph which I have read. Your attention has been called to the substance of one or two of the other paragraphs; but it must be clear if any one of these rules is applicable all the six rules are applicable; and with respect to the question as to whether they are applicable to the United States, as has been very aptly pointed out by the Senator from Iowa, under the third rule the United States could not revictual its vessels or supply its vessels with stores in its own canal—the most extraordinary proposition I think that has ever been advanced in this body.

Under the fourth rule the United States, in its own canal, could not embark or disembark troops. I insist that under the language of this treaty it was never understood or expected that any of these restrictions or inhibitions would apply to the United States. The people of this country never believed that they were expending a vast amount of money to construct a canal in the regulation of which we were impotent without the consent of Great Britain.

The junior Senator from Georgia [Mr. SMITH] during the day called attention to the fact that in the preamble of the treaty some reference is made to article 8 of the Clayton-Bulwer treaty of 1850. If you refer to article 8 of the Clayton-Bulwer treaty you will find that it has little or no application. If it has any application at all, it is confined to the words recited in the preamble of the Hay-Pauncefote treaty, which speak of the observance of the general principle of neutralization established in article 8 of the Clayton-Bulwer treaty.

That everything in article 8 can not be invoked now is apparent from the circumstance that in the Clayton-Bulwer treaty by article 8 it was contemplated that England as well as the United States would guarantee the neutralization of the canal, which canal, by the by, as I have already stated, was to be built through foreign territory. Under the Hay-Pauncefote treaty England assumes no responsibilities respecting the protection of the neutralization of the canal. All those responsibilities were assumed by the United States, and the canal is being constructed on United States territory. The comments made by the junior Senator from Georgia, therefore, should not be permitted to interfere with the force of the suggestions I have made as to the true construction and interpretation that should be placed upon the Hay-Pauncefote treaty.

Now, it may not be proper to go beyond the purely legal aspects of this problem, and up to the present I have endeavored to confine myself to a legal consideration of the import and the meaning of the words employed. Yet there are other considerations of importance, though perhaps not bearing at all upon the question of the true interpretation. Free tolls in the canal is the doctrine of the Democratic Party of the United States. We believe that free tolls make for cheap food and for ultimate benefit to the consumer. We want through that canal the highest and best development of competition. We are against the railroad organizations of this country placing their hands upon that canal and making it a part of their corporate assets. We believe the canal is but an extension of our national highway. Although we have spent, as I have

said, upward of \$400,000,000 in the construction of that canal, we have spent much more than \$400,000,000 in the development of the waterways of this country during the past 50 years. We have not been taxed as citizens of the United States for making use of the increased facilities of our national highways. Unless there is some reason for abandoning that policy, we should permit American citizens, the owners of American ships, to make use of this extension of our coast line without subjecting them to a tax which would be entirely inconsistent with the policy of the Government in the past.

It may well have excited some surprise that Great Britain, with all her professions of friendship for this country, would seek to control and restrict our efforts on a plea which can not be invoked against herself, because, as I have said, under the treaty, which reflects no credit upon the treaty-making branch of our Government, England assumes no obligation whatever. There is no mutuality of obligation. She can subsidize every British vessel going through the canal, and yet under this treaty we could not complain if England did that. We could not complain if any other foreign nation did that. Spain has already legislated to reimburse Spanish ships for the tolls they may pay going through our canal. We can not complain. Those countries have the right to do that. But is it possible that the right possessed by every other nation on earth with respect to our canal is denied to our own citizens by a composition or convention called a treaty not remarkable for its precision of expression or for respect for the Monroe doctrine, that great principle upon which our institutions have prospered?

One might suppose that Great Britain in taking this extraordinary, unreasonable, unfriendly attitude must have been moved by some sinister purpose or impulse. I do not believe Great Britain is much concerned as to whether we allow American ships to go through the canal without the payment of toll or not. I believe, however, that the railroads of Canada and the railroads of the United States have been enabled to secure the cooperation of the British foreign office to embarrass this Government in the attempt we are now making for wholesome legislation to keep railroad-controlled ships off the canal that competition may live and thrive and that this national enterprise shall not be handed over to the railroad organizations of the United States.

The railroad corporations have been incorporated for railroad purposes; and they have destroyed competition wherever they have been permitted to secure control of competing water transportation facilities.

Reference was made to-day to the declarations of ex-President Cleveland and other Executives. They have all been unanimous in the thought that the building of a great canal connecting the two oceans would make for competition, wholesome competition, in transportation. To secure that great end, in my judgment, it is necessary to resort to what may seem drastic legislation, but which I believe is the only cure of an evil great in its importance and in its possibilities for injury to the American people.

Mr. President, with respect to the immediate proposition before us, I entertain no doubt that as a matter of governmental policy we should exempt from the payment of tolls all American shipping going through the canal. I am confident that such action by the American Congress would not violate the language and can not violate the spirit of the treaty that has been invoked against us.

Mr. BACON. Before the Senator takes his seat I should like to ask him a question, with his permission. I am asking it for information. The Senator is on the committee, and doubtless has given this matter serious consideration. I am not on it, and I have not had the opportunity to have the information which the committee has doubtless secured and which has not yet fully developed in this discussion.

The Senator has alluded to the importance of this proposed provision in the law as it will affect the question of the power and ability of the railroad companies to control this water transportation. The question which I ask the Senator, not arguendo but for information, is whether a provision giving generally to all American ships the right to free passage through the canal is essential in order to prevent a monopoly by the railroad companies or whether that end will be accomplished by simply prohibiting railroad-owned ships from doing so?

I am frank to say to the Senator that I am fully in sympathy with the desire to prevent railroad companies, through the ownership of ships going through the canal, from monopolizing that route of commerce. If it be true that in order to defeat that it is necessary that all American ships have the right of free passage, it is certainly a very strong argument in favor of it. Therefore I desire to know from the Senator whether that is essential or whether the end will be accomplished by prohibiting railroad-owned ships from going through.

Mr. O'GORMAN. Mr. President, I believe that both things are essential. It was the judgment of some of the committee that considered this problem that monopoly might be prevented by extending the jurisdiction of the Interstate Commerce Commission over water transportation, and that the matter might be controlled by regulation as the Interstate Commerce Commission now attempts to regulate railroad rates and traffic.

Two of the most experienced members of that commission testified before our committee that as a result of their observation and study of railroad regulation the only certain method of preventing a monopoly by the railroads was to prohibit a road from having any interest, direct or indirect, in water transportation in any part of the United States; and my study has confirmed the wisdom of that view. As an instance, every foot of railroad in the United States east of the city of New York is now controlled by one corporation. Years ago it was made up of numerous small companies. They were absorbed from time to time until the entire system covering every foot of railroad track in New England is now under the control of one corporation. The one competing condition with the railroads of New England was water transportation by Long Island Sound, by boats running to New Haven, Bridgeport, New London, Providence, and Boston.

There are 37 boats doing an extensive business in Long Island Sound, supposedly competing with the New England railway system, known as the New York & New Haven Railroad. Of the 37 boats, 35 are owned and controlled by the railroad and 1 or 2 independent boats are attempting to survive under a cutting competition, which in a short time will drive them out of business.

The city of Bridgeport is one of the most important cities in New England—a great manufacturing city. The tracks of the New Haven Railroad run through that city about half a mile back from the water front. Every pound of merchandise going in and out of that city must go either by the tracks of the New Haven road or by boat to or from Bridgeport. The city of Bridgeport does not own one foot of frontage on the Sound—every foot of it is owned by the railroad. You must patronize that one railroad whether you travel by rail or by boat; and I believe it is the only place in the United States, and perhaps the only time in the history of traffic conditions in the United States, where the charge by water is as great as that by land. It is known to every student of economics that the cost of water transportation is much cheaper than is that of transportation by rail; but with the tremendous business done along Long Island Sound by the boats owned by this railroad, they exact and compel and receive from the consumer the same rate by boat that they get by rail.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Oregon?

Mr. O'GORMAN. Certainly.

Mr. CHAMBERLAIN. I desire to ask the Senator from New York if it is not a fact that it developed before his committee that practically the same condition which he has so ably discussed as existing in New England exists on the Pacific coast, and that the transcontinental lines not only fix the transcontinental rates, but that they control the boats running between points along the northwest coast and the Isthmus of Panama?

Mr. O'GORMAN. It is a common condition all over this country; and it is for that reason, I believe, that the judgment expressed by the two members of the Interstate Commerce Commission, Mr. Lane and Judge Prouty, should prevail. They declare, as the result of years of observation and experience, that the only wholesome legislation Congress can now enact in respect to this matter is to prohibit railroad-controlled boats using the Panama Canal or the waterways of the country.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Missouri?

Mr. O'GORMAN. Certainly.

Mr. REED. Could the Senator tell us what proportion of the coastwise trade is now carried in boats that are controlled by railroad companies?

Mr. O'GORMAN. My impression is that a very considerable quantity of the coastwise trade, surely a majority of it, is now controlled by the railroads of the country; but if the legislation of which I speak is enacted, that condition will cease.

Mr. REED. One further question. Could the Senator tell us to what extent the coastwise trade is now controlled by one management, so that it may be said to what extent it approaches a monopoly of management or a combination of management?

Mr. O'GORMAN. I have a strong belief on the subject, Mr. President, but I have no exact information available. My

belief is that the railroads have an injurious influence upon water transportation because of their control of it to-day, and that the sooner a change is made divorcing rail transportation from water transportation, the better it will be for the people of the country, and perhaps for those interested in such industries. I am not opposed to railroads. They have contributed much to the growth of our country. I shall never fail to defend them when they are right, but I am unalterably opposed to the creation of monopolies.

Mr. REED. One further question, with the indulgence of the Senator. The Senator's view, I take it, is that railroad-controlled boats should not be permitted to use the Panama Canal on the same terms that other boats are permitted to use it, or that they should be perhaps excluded altogether?

Mr. O'GORMAN. That they should be entirely excluded.

Mr. REED. Would it not be necessary to add to that provision a further provision that no vessels controlled by any company that is engaged in any combination to control rates shall also be excluded?

Mr. O'GORMAN. The proposed legislation might well be improved by the suggestion made by the Senator from Missouri.

Mr. PERCY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Mississippi?

Mr. O'GORMAN. I do.

Mr. PERCY. I understood the Senator from New York to say that he thought the only method of preventing a monopoly of shipping through the canal by the railroads was by prohibiting railroad-owned vessels from going through the canal. I should like to ask him if he does not think that railroad monopoly would be absolutely prevented, and much better shipping facilities be given, by amending the coastwise navigation laws to the extent of permitting vessels of all nations to carry passengers and freight from a port or ports on the Atlantic coast to a port or ports on the Pacific coast through the Panama Canal. I will call the Senator's attention to the fact that in quoting the statement of the Interstate Commerce Commission he said it was their opinion that the only method of preventing railroad monopoly was by prohibiting railroad-owned vessels from operating through the canal. In reply to the question which I have propounded to the Senator, the Interstate Commerce Commissioners said that unquestionably that provision would absolutely prevent any monopoly by the railroads. I would like to ask the Senator's opinion on that question.

Mr. O'GORMAN. If, upon reflection, I could be persuaded that it would be as effective a means as the one I propose to make monopoly impossible, I would give it the same hearty support that I am urging in behalf of my own proposition.

Mr. BACON. Mr. President, I shall not ask the Senator to reply now to the question I am about to ask, if for any reason he desires to desist from further remarks, but it is a matter of very grave importance to those of us who are not on the committee and who have not had an opportunity to obtain the information that has been given to the committee to get definite suggestion and opinion upon this particular subject. The question that has been discussed this afternoon is as to the policy, to say nothing of the power, of the United States in permitting all vessels engaged in the coastwise trade to pass free of toll through the canal. The Senator from New York has very ably discussed that question, and we have all been very much entertained and enlightened with the views expressed by him; but in the latter part of the remarks of the learned Senator he went on to apply the matter of the free passage of the coastwise American ships through the canal as one additional argument, through the application of which the monopoly of the railroads would be defeated. What I want to get from the Senator—I repeat I will not insist upon an answer now, but I hope during the debate we shall have a discussion of the question—is this: We will all concede, for the purpose of this branch of the argument, that in order to break up the monopoly of the railroads railroad-owned ships should not be allowed to go through the canal. Eliminating that feature from consideration now, the question upon which I desire to have information, and which I hope will be fully discussed, is, Does the free passage of coastwise American ships, other than railroad-owned ships, through the canal have any connection with the question of the monopoly of the trade by the railroads?

Mr. O'GORMAN. It is an additional assurance of free competition and of cheap goods. If, for instance, American coastwise boats are permitted to go through the canal without paying toll, it will become necessary for the railroads competing with the canal to reduce their rates proportionately to meet the price at which goods carried by such bottoms through the canal will reach the consumer. They are not necessarily associated, but both contribute to the one most desirable end of promoting the welfare of the ultimate consumer, and not to allow our con-

duct to be governed or controlled by regard for class or special interests.

Mr. BACON. I understand that argument, of course. It very naturally appears to be so, that the free passage of American coastwise ships through the canal, if there is competition between them, will necessarily reduce rates. Recognizing that, I come back to the question—because that is the important question, whether or not—I concede it may tend to reduce railroad rates, because they have to come in competition with ships passing through the canal; but to come back to the question, Does it affect the question of monopoly by the railroads? I am asking, I repeat, not as a matter of argument, but for the purpose of getting the views of the distinguished and learned Senator.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. O'GORMAN. Yes.

Mr. BORAH. I am a member of the Committee on Inter-oceanic Canals, but there is a good deal as a member of the committee that I have not been able to settle in my own mind, and one proposition about which I would like to ask the opinion of the Senator, if he desires to give it or has an opinion upon it, is, What will be the effect of denying to our railroads the right to own ships when we are face to face with the proposition that the Canadian railroads will own ships and utilize them through this canal?

Mr. O'GORMAN. Unquestionably it would affect the railroad-owned ships of the world. If we deny the right to our own railroads to control ships, the same rule and policy would apply to Canadian railroad-owned ships or to English railroad-owned ships.

Mr. BORAH. As a general proposition that is true; but we would be in a most difficult position to make a practical application of and to execute it, would we not?

Mr. O'GORMAN. At any time a foreign railroad-owned ship appeared for the purpose of passing through the canal, the United States officers there could make their own inquiry and investigation, and if they were satisfied that the ship about to enter the canal was controlled by a railroad company, directly or indirectly, they would prevent the ship from passing through. Of course, the statute might be evaded; but—

Mr. BRISTOW. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Kansas?

Mr. O'GORMAN. I yield to the Senator from Kansas.

Mr. BRISTOW. I should like to suggest, if the Senator will permit me, that ships owned by the Canadian railways can not engage in the coastwise trade of the United States unless they are ships of American register; if ships of American register, they would sail from American ports; and the Canadian railroads having termini in the United States are subject to the supervision of the Interstate Commerce Commission and would come under the same rules and the same statutes as would the American railroads.

Mr. BORAH. Mr. President, just a word. I should like to suggest to the Senator from Kansas, who is very familiar with this proposition, suppose we do deny the right of the railroads to own ships, we will at some time or other, I presume, have to put them under the regulation and control of the Interstate Commerce Commission, or some other commission, or else they will have a monopoly of their own and a combination of their own. They will have to be supervised and regulated and controlled at some time or other in their traffic and in their rates, the same as we regulate the railroads, will they not?

Mr. BRISTOW. Well, if a monopoly be organized by the steamships that ply between the Atlantic and the Pacific coasts of the United States through the canal, it ought to be dealt with the same as any other monopoly of transportation, and I am perfectly willing, so far as I am concerned, for any provision to go into this bill that will look to the prevention of such monopoly and the maintenance of competition on the sea between the carriers by sea; but, because such a thing might be, it can not be a justification for permitting a monopoly that now exists to continue, a monopoly between the railroads and the steamship lines which are owned by them and which are presumed to compete with them.

Mr. BORAH. That is quite true; I am in accord with what the Senator says as to preventing a monopoly which now exists to continue; but it will not be very effective if we simply transfer the seat of power from one organization to another.

Mr. BRISTOW. I thoroughly agree with the Senator as to that, and shall be glad to join with him or any other Senator in endeavoring to anticipate such a possible combination, which is very much more difficult, I will say, by sea than by land, because, if I am not intruding upon the time of the Senator from

New York, the sea is open. Any company can charter a vessel—they need not necessarily have great wealth—and can use the water, because the water is the open highway; but no company, unless it be backed by tremendous wealth, can conduct a trans-continental railway or use such a railway in the carrying of commerce.

The railway is by its very nature a monopoly, while the sea is open. All one has to do is to purchase or hire a ship and put it on the water to seek commerce wherever it is to be found. So that a monopoly by sea is very much more difficult to organize and maintain, but it is not impossible, and the Senator from Idaho can be no more desirous than am I to provide against that contingency, if it appears to be a danger.

Mr. BORAH. It is not only not impossible, but it is entirely probable that it will happen. I do not see how the fact that the highway is open would be of very much avail against a combination which could drive others off the highway, whatever its width or latitude might be, by reason of the rates which they would fix until they did drive the others off the sea.

Mr. BRISTOW. That is—

Mr. O'GORMAN. I might say there is no doubt that to-day there is something of a monopoly in water transportation. There is a monopoly that embraces most of the ocean steamship lines, that embraces a large part of our coastwise traffic, and in time it will have to be corrected. But we can not work a cure of all the evils at one time or in one bill. If we succeed in accomplishing what we are trying to do with this legislation we will be making some progress, and our efforts will be effective when we take up the problem suggested by the junior Senator from Idaho [Mr. BORAH]. I now yield to the junior Senator from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. I wish to ask for information, and I want to ask the question of the Senator from New York, because in addition to being a member of this committee and an able Senator he has been an able judge.

It is clear to my mind that under the provisions of this treaty we have no right to make any discrimination by charges against the vessels of any other nation. It is also clear to my mind that whether this treaty be an unfortunate one or not—and I agree with the Senator from New York that it was unfortunate and that our own interests as a nation were neglected when it was entered into—we must still construe it within the four corners of the instrument itself.

But I am not clear upon this point, and upon it I desire information. It is whether or not the exemption of our coastwise vessels would be a discrimination.

Now, I find, if the Senator from New York will pardon me, a case which has been referred to previously, but not any part of it was read. It is to be found in One hundred and ninety-fifth United States and is the decision of the Supreme Court in the case of Olsen against Smith. In this case American vessels in the coastwise trade were exempted from certain pilotage charges imposed by the State of Texas.

The case went up on several points, but only one of them affects the particular matter we are now discussing, and although this is the decision of the United States Supreme Court and, of course, is not internationally binding, it seems to me a great deal of regard might be paid to the principle announced in this decision.

Now, the language of the court is this:

Nor is there merit in the contention that, as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States, providing that "no higher"—

This is the language of the treaty—

no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

That is the language of the treaty. Now, here is the language of the court proceeding with it:

Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

Now, if this national principle of law be internationally sound, and even if under this treaty we can make no discrimination, the question which suggests itself to my mind is whether the exemption of coastwise vessels would be a discrimination; whether it could be a discrimination against foreign vessels of any sort, because foreign vessels of no kind can engage in the

coastwise trade. Upon that point I should like to have the opinion of the Senator from New York.

Mr. O'GORMAN. I did state some time since, and I now repeat, a principle in harmony with the decision of the Supreme Court in the case of Olsen v. Smith in One hundred and ninety-fifth United States. There can not be discrimination unless there is an interference with competition, and there can be no competition between a foreign ship and a local ship engaged in the coastwise trade. Therefore, on principle as well as on authority, the proposition made by the Senator from Mississippi seems to be well sustained and should dispose of all doubt with respect to the provision affecting coastwise trade.

APPENDIX A.

CLAYTON-BULWER TREATY OF APRIL 19, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Honorable Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARTICLE 1.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal, agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any state or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any state or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ARTICLE 2.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ARTICLE 3.

In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

ARTICLE 4.

The contracting parties will use whatever influence they respectively exercise with any state, states, or governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such states or governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ARTICLE 5.

The contracting parties further engage that, when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in guarding their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments or either Government, if both Governments, or either Government, should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ARTICLE 6.

The contracting parties in this convention engage to invite every state with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other states may share in the honor and advantage of having contributed to a work of such general interest

and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ARTICLE 7.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any state through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall, moreover, have made preparations and expended time, money, and trouble on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking, it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ARTICLE 8.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ARTICLE 9.

The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible. In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done at Washington the 19th day of April, A. D. 1850.

JOHN M. CLAYTON. [L. S.]
HENRY LYTTON BULWER. [L. S.]

APPENDIX B.

HAY-PAUNCEPOTE TREATY OF 1901.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America,

and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of April 19, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the con-

vention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

Done in duplicate at Washington the 18th day of November, A. D. 1901.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

Mr. WILLIAMS. I desire to say, in justice to the Senator from New York, because I did not want to keep him any longer on his feet than necessary, that my main object in asking him to yield—I had heard his speech—was in order to have the exact language of the Supreme Court go to the country in the speech he is making.

Mr. McCUMBER. Mr. President, the hour is late, and I shall not resume any debate on this question. But I want to answer very briefly one of the arguments that was made, not so much by the Senator from New York as in a colloquy between the Senator from New York and the Senator from Iowa, as to whether or not under the treaty stipulation we would have the right to land and revictual our men-of-war, and so forth, in the canal.

I do not think that question has been fairly and squarely met and answered. If my construction of this treaty is right, if the construction is correct which was placed upon it by the Members of the Senate when they adopted it, and which was voiced in every argument that was uttered, then there is but one answer, "No; that can not be done."

There was one piece of mother earth, the canal and its zone, which should be free from war. It was neither a place where war could be conducted, nor a place where munitions of war could be landed, nor a place where the belligerents of either side, whether the United States or any other country, could take any part in a conflict. It was intended to be a zone of peace, which should be acknowledged by all the world as sacred ground.

I claim here that if we are not correct, then the theory stated by the Senator from New York, if I understood him correctly, is the proper one, viz, that if a German railway owned a ship we could discriminate against that ship because it was a railway-owned ship, and we could discriminate against a Canadian ship because it was a railway-owned ship.

If the construction as claimed by the Senator from New York is correct, then, if we should apply the same regulation to all railroad-owned ships, we undoubtedly would have that authority. But I ask, candidly, if any Senator believes that under the provisions of this treaty we could say to Great Britain or Germany or any other country: "If you have a ship that is owned by one of your railways we can discriminate against it

and treat it differently than we would any other ship owned by a citizen of your country"? I do not believe it.

We ought to consider this treaty just as it is, Mr. President, and keep within its four corners in determining what it says. But in construing it, if it is open to doubt, we have a right to consider all of its history and all its surroundings at the time of its adoption, while keeping within the limits of its provision.

Let me ask Senators this question, after reading one section of the treaty:

The canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it.

Does that apply to the United States? Does it mean that no acts of war can be committed within it except by the United States? Does it mean that it shall not be blockaded except by the United States? Or is the United States included in the inhibition of that section, it must be included also in every other section. That it is is clearly evident from what follows. Let me read it, then, including what follows:

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

If the United States would have that authority anyway, if the United States would have unlimited authority over the canal as its own property, why was it necessary, after declaring that no acts of war or of hostility should be committed within it and that it should not be blockaded, to insert a provision, in order to take the United States especially without that restriction, that the United States should have liberty to do certain things that were consistent and proper and naturally followed ownership?

All of the argument that I have heard has been an argument against the propriety of ever having adopted a treaty of this character. That may have been proper argument at the time; but we did adopt the treaty, and we adopted it to get rid of another treaty which held us within certain limitations.

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield, Mr. President.

Mr. CUMMINS. Inasmuch as I take it the Senator from North Dakota is now really replying to suggestions of my own, I beg to submit to him this consideration: Undoubtedly the provision just read by the Senator from North Dakota does apply to or govern the United States, because it refers to a condition of the canal itself. It is a provision about the thing itself. It applies to the United States in just the same way as though it had been provided so that the locks in the canal should be not less than 110 feet wide. Of course, if such a provision had been put into the treaty, it would have bound everybody connected with it, because it controls the thing itself.

Mr. FALL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. McCUMBER. I do.

Mr. FALL. In line with what the Senator has suggested in reference to the necessity for the abrogation of the Clayton-Bulwer treaty by the Hay-Pauncefote treaty, I wish to suggest to him that at the time of the adoption of the Clayton-Bulwer treaty Great Britain was directly interested in Central America and near the Isthmus of Panama by the ownership of British Honduras and the Mosquito Coast, and at that time the United States had absolutely no interest there whatsoever; and even yet Great Britain retains a certain sovereignty over a portion of the Mosquito Coast.

Mr. McCUMBER. Mr. President, I want to ask the Senator from Iowa if he believes this provision was intended to apply to the United States as well as to foreign countries:

No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

Is it the Senator's claim that the other provision which I read did include the United States, but this provision does not include it?

Mr. CUMMINS. In my opinion the provision just read by the Senator from North Dakota does not apply to the United States.

Mr. McCUMBER. Then, Mr. President, when the Hay-Pauncefote treaty was signed does the Senator think, after reading the arguments and the diplomatic correspondence, that it was the intention of the two countries entering into that agreement that the United States should have the advantage of using it for war purposes, for blockading it against other countries, having her munitions of war there, and using it

as a base for war supplies; and does the Senator believe that any other country which was interested in that canal would have signed an agreement that it was denied even the right to either blockade or the right to commit any acts of hostility within 3 marine leagues of the mouth of the canal at either end, and at the same time that the other belligerents should be allowed to use it for hostile purposes, without any ability to protect itself, and that such other country should even go to the extent of binding itself not to take any steps against it?

Mr. CUMMINS. I answer that by saying that undoubtedly other nations were willing to so agree. Undoubtedly Great Britain did so agree. The United States bought this tract of land 10 miles wide and paid for it with its own money. It was to build the canal. I can not believe it was in thought then that the United States should have no right whatsoever in this canal not enjoyed by all the other nations of the world.

Mr. BORAH. Mr. President—

Mr. McCUMBER. In just one moment. The Senator differs entirely with Senator Davis when he presented the report and with his argument when he declared most emphatically that that was our contention; that we claimed no other or further right than that which was necessary to protect the canal itself; the fact of our investment of the money expended there was to be paid back to us in the tolls which should be charged and in the other benefits that we should derive from it was our recompense for the outlay, and that outside of those tolls and outside of those benefits we were to be placed exactly in the position of every other country in the world. That was the contention of Senator Davis when he presented the report. That was the argument that was made in support of the new treaty which should supersede the old one. I was in the Senate at that time and I do not remember of any Senator ever disagreeing with him upon that proposition.

Mr. CUMMINS. I have no other information than is contained in the language of the treaty itself. If the purpose of the United States in executing this treaty was as just suggested by the Senator from North Dakota, that purpose was very inaptly and inefficiently expressed.

Mr. REED. Mr. President—

Mr. McCUMBER. There is where we finally land. Instead of giving the fair construction which these words demand we fall back, in our argument every time, upon the proposition that we ought not to have made such an agreement. But, Mr. President, we did make such an agreement, and the agreement is as clearly expressed as the English language can make it.

Mr. CUMMINS. Mr. President, I can convince the Senator from North Dakota in a very little time that the treaty does not make the provision which he has just recited as being the views of the then Senator from Minnesota, Mr. Davis; but I will defer that until another day, when I shall hope to discuss somewhat historically the treaty before us.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield to the Senator.

Mr. REED. I wish to ask the Senator this question: He states that he was a Member of the Senate when this treaty was adopted, and, as I understand him, maintains that the provisions of the treaty with reference to a maintenance of the neutrality of the canal binds this Government the same as all other governments. I want to ask him if at the time he voted for the treaty he contemplated this possible situation: A Japanese fleet at the western end of the canal aiming to pass through the canal and bombard New York? Did he contemplate the idea that we were building a highway through which they should pass to our principal city, and did he think at the time he voted for the treaty that we would be obliged to allow that fleet to pass through our canal unmolested, not to touch it or attempt to stop it until it was 3 marine leagues from the eastern end of the canal?

Mr. CUMMINS rose.

Mr. REED. I am addressing my question to the Senator from North Dakota.

Mr. CUMMINS. I want to supplement the question of the Senator from Missouri—

Mr. REED. Certainly.

Mr. CUMMINS. With the further suggestion that under the treaty, if it applies, we would be compelled to allow the supposed Japanese fleet to have 24 hours' start of any ship of our own that we might pass through the canal.

Mr. REED. And to victual and recoil on the way. Did the Senator from North Dakota contemplate a situation of that kind, and did the Senate of the United States contemplate it?

Mr. McCUMBER. Mr. President, when the treaty was adopted we had before us the rules and regulations concerning

the Suez Canal. We adopted and embodied in the treaty practically the same rules. We adopted so far as they applied here the same rules with reference to the passage of ships through this canal. The Suez Canal is to-day held sacred by all nations against any acts of war. No acts of war are allowed within 3 leagues. If any war vessel passes through that canal, it must not delay, it must not revictual, or do anything on its voyage to help itself or injure its enemy; and it makes no difference though Great Britain holds the control of the canal and its stock; it binds her warships the same as it binds other warships in the matter of revictualing or committing any act of violence within a certain zone. That which has operated so successfully in the Old World will operate equally successfully on this side of the world.

I had not the least fear then and I have no fear now that the Japanese Government would violate the terms of this agreement, though made with another Government. If she did violate it, then, of course, we would be justified in protecting ourselves in times of war to meet whatever exigencies might arise and by whatever means that might be necessary.

Mr. SMITH of Georgia. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I do.

Mr. SMITH of Georgia. If the Senator will allow me a moment before he takes his seat. I heard a part of the Senator's speech in connection with what he was just saying. Did the Senator call the attention of the Senate to the fact that when the treaty was here in 1900 a provision was added by the Senate covering this subject, and the treaty was rejected by Great Britain and came back with just that one provision left in?

Mr. McCUMBER. Yes.

Mr. SMITH of Georgia. The Senator discussed that?

Mr. McCUMBER. I had not discussed it, but I recall it very well.

Mr. SMITH of Georgia. That is found on page 9.

Mr. BRANDEGEE. I ask unanimous consent that the treaties which are found in the hearings conducted by the Panama Canal Committee on the Isthmus, as shown on pages 264 to 274 of the book which I send to the desk, may be printed in the RECORD. Those are the treaties about which the discussion centers, and I think that the public would be interested in seeing what they are.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Connecticut? The Chair hears none.

The matter referred to is as follows:

GREAT BRITAIN—INTEROCEANIC SHIP CANAL.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN FOR FACILITATING AND PROTECTING THE CONSTRUCTION OF A SHIP CANAL BETWEEN THE ATLANTIC AND PACIFIC OCEANS, AND FOR OTHER PURPOSES.

[Concluded Apr. 19, 1850; ratification advised by the Senate May 22, 1850; ratified by the President May 23, 1850; ratified by Her Britannic Majesty June 11, 1850; ratifications exchanged July 4, 1850; proclaimed July 5, 1850.]

By the President of the United States of America—A proclamation.

Whereas a convention between the United States of America and Her Britannic Majesty, for facilitating and protecting the construction of a ship canal between the Atlantic and Pacific Oceans, and for other purposes, was concluded and signed at Washington on the 19th day of April last, which convention is, word for word, as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HER BRITANNIC MAJESTY.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans, by the way of the River San Juan de Nicaragua, and either or both of the Lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean; the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States; and Her Britannic Majesty on the Right Hon. Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARTICLE I. The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords, or may afford, or any alliance which either has or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government

through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ART. II. Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ART. III. In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

ART. IV. The contracting parties will use whatever influence they respectively exercise, with any State, States, or Governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ART. V. The contracting parties further engage, that when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments, or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ART. VI. The contracting parties in this convention engage to invite every State, with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ART. VII. It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object; and the said persons or company shall, moreover, have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim, over every other person, persons, or company, to the protection of the Governments of the United States and Great Britain, and be allowed a year, from the date of the exchange of the ratifications of this convention, for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ART. VIII. The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America; and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which

is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ART. IX. The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done at Washington, the 19th day of April, A. D. 1850.

[L. S.] JOHN M. CLAYTON.
[L. S.] HENRY LYTTON BULWER.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the 4th instant, by John M. Clayton, Secretary of State of the United States, and the Right Hon. Sir Henry Lytton Bulwer, envoy extraordinary and minister plenipotentiary of Her Britannic Majesty, on the part of their respective Governments:

Now, therefore, be it known that I, Zachary Taylor, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 5th day of July, in the year of our Lord 1850 and of the independence of the United States the seventy-fifth.

[L. S.] Z. TAYLOR.

By the President:
J. M. CLAYTON, *Secretary of State.*

GREAT BRITAIN—INTEROCEANIC CANAL.

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN TO FACILITATE THE CONSTRUCTION OF A SHIP CANAL.

[Signed at Washington, November 18, 1901; ratification advised by the Senate, December 16, 1901; ratified by the President, December 26, 1901; ratified by Great Britain, January 20, 1902; ratifications exchanged at Washington, February 21, 1902; proclaimed, February 22, 1902.]

By the President of the United States of America—A proclamation.

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which convention is word for word as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, King and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, King and Emperor of India, the Right Honorable Lord Pauncefoot, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ART. II. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. III. The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1858, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart

within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ART. IV. It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ART. V. The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, A. D. 1901.

[SEAL.] JOHN HAY.
[SEAL.] PAUNCEFOOT.

And whereas the said convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the city of Washington on the 21st day of February, 1902:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 22d day of February, A. D. 1902, and of the independence of the United States the one hundred and twenty-sixth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
JOHN HAY, *Secretary of State.*

PANAMA—SHIP CANAL.

CONVENTION BETWEEN THE UNITED STATES AND THE REPUBLIC OF PANAMA FOR THE CONSTRUCTION OF A SHIP CANAL TO CONNECT THE WATERS OF THE ATLANTIC AND PACIFIC OCEANS.

[Signed at Washington, November 18, 1903; ratification advised by the Senate, February 23, 1904; ratified by the President, February 25, 1904; ratified by Panama, December 2, 1903; ratifications exchanged at Washington, February 26, 1904; proclaimed, February 26, 1904.]

By the President of the United States of America—A proclamation.

Whereas a convention between the United States of America and the Republic of Panama to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans was concluded and signed by their respective plenipotentiaries at Washington on the 18th day of November, 1903, the original of which convention, being in the English language, is word for word as follows:

ISTHMIAN CANAL CONVENTION.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries—

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, thereunto specially empowered by said Government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I. The United States guarantees and will maintain the independence of the Republic of Panama.

ART. II. The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described, and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

ART. III. The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article I, which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

ART. IV. As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the

rivers, streams, lakes, and other bodies of water within its limits for navigation, the supply of water or water power or other purposes, so far as the use of said rivers, streams, lakes, and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal.

ART. V. The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance, and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

ART. VI. The grants herein contained shall in no manner invalidate the titles or rights of private-land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States, in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said canal or the Panama Railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed, or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

ART. VII. The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights, or other properties necessary and convenient for the construction, maintenance, operation, and protection of the canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States, may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal and railroad. All such works of sanitation, collection, and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominee, shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of 50 years, and upon the expiration of said term of 50 years the system of sewers and waterworks shall revert to and become the properties of the cities of Panama and Colon, respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances, whether of a preventive or curative character, prescribed by the United States, and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States, the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ART. VIII. The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Co. and the Panama Railroad Co. as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Co. to sell and transfer to the United States its rights, privileges, properties, and concessions as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the zone described in Article II of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the canal shall revert to the Republic of Panama except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

ART. IX. The United States agrees that the ports at either entrance of the canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected customhouse tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation, and protection of the main canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the canal and for other works pertaining to the canal.

ART. X. The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the railways and auxiliary works, tugs and other vessels employed in the service of the canal, storehouses, workshops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall

not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the canal and railroad and auxiliary works.

ART. XI. The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

ART. XII. The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

ART. XIII. The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation, and protection of the canal and auxiliary works, and all provisions, medicines, clothing, supplies, and other things necessary and convenient for the officers, employees, workmen, and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone, and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

ART. XIV. As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars (\$10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars (\$250,000) in like gold coin, beginning nine years after the date aforesaid.

The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

ART. XV. The joint commission referred to in Article VI shall be established as follows:

The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments, who shall render the decision. In the event of the death, absence, or incapacity of a commissioner or umpire, or of his omitting, declining, or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the commission or by the umpire shall be final.

ART. XVI. The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention, and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commission of crimes, felonies, or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention, and delivery without said zone to the authorities of the United States of persons charged with the commission of crimes, felonies, and misdemeanors within said zone and auxiliary lands.

ART. XVII. The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise, and for all vessels passing or bound to pass through the canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

ART. XVIII. The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

ART. XIX. The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

ART. XX. If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor of the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modifications or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ART. XXI. The rights and privileges granted by the Republic of Panama to the United States in the preceding articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other Governments, corporations, syndicates, or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

ART. XXII. The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Co. and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Co., or any extension or modification thereof; and it likewise renounces, confirms, and grants to the United States, now and hereafter, all the rights and property

reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of 99 years of the concessions granted to or held by the above-mentioned party and companies, and all right, title, and interest which it now has or may hereafter have in and to the lands, canal, works, property, and rights held by the said companies under said concessions or otherwise and acquired or to be acquired by the United States from or through the New Panama Canal Co., including any property and rights which might or may in the future, either by lapse of time, forfeiture, or otherwise, revert to the Republic of Panama under any contracts or concessions, with said Wyse, the Universal Panama Canal Co., the Panama Railroad Co., and the New Panama Canal Co.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama, and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Co. shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

ART. XXIII. If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other Government or into any union or confederation of States, so as to merge her sovereignty or independence in such Government, union, or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ART. XXV. For the better performance of the engagements of this convention and to the end of the efficient protection of the canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

ART. XXVI. This convention, when signed by the plenipotentiaries of the contracting parties, shall be ratified by the respective Governments, and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the city of Washington the 18th day of November, in the year of our Lord 1903.

[SEAL.]
[SEAL.]

JOHN HAY,
P. BUNAU VARILLA.

And whereas the said convention has been duly ratified on both parts and the ratifications of the two Governments were exchanged in the city of Washington on the 26th day of February, 1904:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this 26th day of February, in the year of our Lord 1904 and of the independence of the United States the one hundred and twenty-eighth.

[SEAL.]

THEODORE ROOSEVELT.

By the President:

JOHN HAY, Secretary of State.

Mr. BRANDEGEE. I move that the Senate adjourn until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 18, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 17, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, upon the profound faith, hope, and love personified in Thy son Jesus Christ, who dignified and made sacred honest toil as the carpenter's son, spake as never man spake, lived like a king and died like a God, burst the bars of the tomb and exemplified the life and immortality of the soul, taught us the way, the truth, and the life, we base the longings, hopes, and aspirations of all that make life dear. And we most fervently pray that we may follow in our daily life His sublime example and prove ourselves worthy sons of our God and our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLARA DOUGHERTY, ETC.—DUPLICATE ENGROSSED BILL.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 634.

Resolved, That the Clerk be directed to request the Senate to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 14; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of the Union Station, in said District; the original having been lost or mislaid.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the resolution. Is there objection?

There was no objection.

The resolution was agreed to.

RADIO COMMUNICATION ON CERTAIN OCEAN STEAMERS.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the conference report on the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, be taken up and agreed to.

The SPEAKER. Of course everybody knows that this is Calendar Wednesday, and ordinarily the Chair would not entertain this proposition; but the Chair takes it that all the rules of the House are to be construed by the rules of common sense. The session is approximating its close, and these matters have to be considered. If there be no objection, this matter will be taken up now, and the Clerk will report it.

Mr. ALEXANDER. I ask that the statement be read in lieu of the conference report.

The SPEAKER. If there be no objection, the statement will be read in lieu of the report.

The conference report is as follows:

CONFERENCE REPORT (1007).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"That section 1 of an act entitled 'An act to require apparatus and operators for radio communication on certain ocean steamers,' approved June 24, 1910, be amended so that it will read as follows:

"SECTION 1. That from and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, 50 or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night.

"An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

"The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of \$100.

"That the provisions of this section shall not apply to steamers plying between ports or places less than 200 miles apart."

"Sec. 2. That this act, so far as it relates to the Great Lakes, shall take effect on and after April 1, 1913, and so far as it relates to ocean cargo steamers shall take effect on and after July 1, 1913: *Provided*, That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified

and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life."

And the House agree to the same.

JOSHUA W. ALEXANDER,
RUFUS HARDY,
W. E. HUMPHREY,
Managers on the part of the House.
WILLIAM ALDEN SMITH,
THEO. E. BURTON,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, submit the following written statement explaining the effect of the action agreed on:

The conferees recommend that the Senate recede from its disagreement to the House amendment to the Senate bill 3815, and that the two Houses agree thereto with the following amendments:

As amended by the House, section 1 applies to steamers of the United States and of foreign countries licensed to carry 50 or more persons, including passengers or crew or both, the amendment makes the bill apply not only to vessels "licensed" to carry 50 or more persons, but to vessels "carrying 50 or more persons" as well.

The bill as amended by the House provides that steamers shall be equipped with an efficient apparatus for radio communication capable of transmitting and receiving messages over a distance of at least 100 miles, day or night, "under all conditions of atmospheric disturbance when it is safe for the operator to work the set."

The conferees agree that the language quoted may be stricken out of the bill wherever it appears.

The conferees agree that the following language shall be added at the end of section 1: "and efficient communication between the operator in the radio room and the bridge shall be maintained at all times."

The House amendment is further amended by providing that the section shall not apply to steamers plying between "places," as well as ports 200 miles apart.

Section 2 is amended by adding the following proviso:

Provided, That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining constant wireless watch so far as required for the safety of life.

Respectfully submitted.

JOSHUA W. ALEXANDER,
RUFUS HARDY,
W. E. HUMPHREY,
Conferees on the part of the House.

Mr. FOSTER. Mr. Speaker, will the gentleman from Missouri [Mr. ALEXANDER] explain to the House the reasons for changing the language in reference to providing for efficient communication over a distance of at least 100 miles, day or night, under all conditions of atmospheric disturbance, and so forth? As I understand, the bill that passed the House provided that that should be done. Now that provision is stricken out.

Mr. ALEXANDER. The bill as it passed the House had this clause in it: That steamers "shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of 100 miles, day or night, under all conditions of atmospheric disturbance, when it is safe for the operator to work the set."

Now, the language "under all conditions of atmospheric disturbance when it is safe for the operator to work the set" was stricken out on suggestion of the Senate conferees. After the bill passed the House I was advised that the language was so restrictive that there was only one concern in the United States that could probably furnish the apparatus, and it was to avoid such a result—that we might throw this industry into the hands of one company—that the conferees agreed that this language should be stricken out.

Mr. FOSTER. I appreciate the gentleman's idea of not wanting to give a monopoly to any one company. The question in my mind was whether striking out the language and putting in the other weakened the requirement.

Mr. MANN. Would not the language if left in be almost impossible to enforce in a criminal statute as a matter of certainty?

Mr. ALEXANDER. Yes; and we wanted to avoid any possible monopoly. We do provide that the apparatus shall be efficient to send messages 100 miles day or night, and we thought that was description enough to insure efficient apparatus.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17239. An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River; and

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uinta Indian Reservation;

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes;

S. 6084. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908;

S. 4745. An act to consolidate certain forest lands in the Paulina (Oreg.) National Forest; and

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation in the town of Okanogan, State of Washington, for public-park purposes.

SENATE BILL AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6176. An act for the relief of Gibbes Lykes; to the Committee on Military Affairs.

S. J. Res. 122. Joint resolution providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald; to the Committee on Appropriations.

S. J. Res. 119. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point John C. Scholtz, a citizen of Venezuela; to the Committee on Military Affairs.

DEPARTMENT OF LABOR.

The SPEAKER. To-day is Calendar Wednesday, and the unfinished business is the bill (H. R. 22913) to create a department of labor. The situation is this: After the motion for the engrossment and third reading of the bill was put, the gentleman from Illinois demanded the reading of the engrossed bill.

Mr. MANN. Mr. Speaker, I withdraw my demand for the reading of the engrossed bill.

The SPEAKER. The gentleman from Illinois withdraws his demand for the reading of the engrossed bill, and the question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. WILSON of Pennsylvania, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COMMISSION ON INDUSTRIAL RELATIONS.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move to take up the bill H. R. 21094, a bill to create a commission on industrial relations.

The SPEAKER. The gentleman from Pennsylvania moves to take up the bill H. R. 21094, of which the Clerk will read the title.

The Clerk read as follows:

H. R. 21094. A bill to create a commission on industrial relations.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from New York [Mr. SULZER] will take the chair. [Applause.]

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SULZER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21094, and the Clerk will read the bill.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. Mr. Chairman, this bill proposes to create a commission of nine persons, three of whom shall be employers of labor, three of whom shall be representatives of organized labor, and three from the citizenship at large, for the purpose of investigating industrial relationship existing between employer and employees throughout the country.

There has been a considerable spirit of unrest, not only in this country but all over the world, during the past two or three years. Out of that state of unrest has grown innumerable strikes and threats of strikes. Strikes between labor and capital are like wars between nations. They bring suffering, privation, hardships of every kind and character to those who are engaged in the disputes as well as to the community at large. Men do not engage in strikes purely for the amusement it brings them. Nor do they engage in strikes for what they consider frivolous reasons. Men who have gone through strikes know the hardships that are ahead of them, and consequently are not prone to engage in industrial contests unless they believe they have very important and serious grievances to correct which can not be corrected by other methods.

It follows, then, that with the large number of industrial disputes we have had in recent times growing out of this spirit of unrest that there must be in the minds of wageworkers in our country a feeling that injustice is being done them in some respects and under some circumstances and conditions.

The purpose of this measure is to provide a commission composed of equal numbers of wageworkers and employers, with a balance of disinterested parties, to conduct an investigation into the conditions which have created this spirit of unrest, and to report their findings from time to time to Congress so that it may legislate upon the subject if it deems it necessary or advisable so to do.

The bill provides an appropriation of a sum not to exceed \$500,000 for the purpose of carrying on the work for three years' time, the commission expiring by limitation of the bill at the end of a period of three years. When the proper time arrives the committee will offer an amendment to that portion of the bill which it had previously amended, being section 5 as proposed, changing it to read as follows:

That the sum of \$100,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission for the fiscal year ending June 30, 1913: *Provided*, That no portion of this money shall be paid except upon the order of said commission, signed by the chairman thereof.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. FOSTER. The gentleman states that the committee proposes to offer an amendment appropriating \$100,000 instead of \$500,000. Is the gentleman of the opinion that this is all that will be required to make the investigation, or will the commission come back to Congress asking for another appropriation?

Mr. WILSON of Pennsylvania. Mr. Chairman, in my judgment it will require more than \$100,000 to conduct this investigation, and the purpose of this amendment is to make the appropriation of \$100,000 now for the fiscal year ending June 30, 1913. Thereafter the appropriations will depend upon the judgment of the Committee on Appropriations and the House for the two fiscal years following that time.

Mr. FOSTER. Is it the intention of the gentleman from Pennsylvania or the committee, in providing for this commission, that they shall visit any other countries besides the United States?

Mr. WILSON of Pennsylvania. The bill itself provides for an investigation into the methods of collective bargaining, and into any methods which have been tried in any State or any foreign country.

Mr. FOSTER. I notice that.

Mr. WILSON of Pennsylvania. And also—

For maintaining mutually satisfactory relations between employees and employers.

To the extent that it may be necessary to determine or examine into the methods that have been tried, the methods of collective bargaining which have been tried in foreign countries, the authority would be granted to proceed to foreign countries to make that investigation.

Mr. SABATH. Is it not a fact that the bill gives the commission that power in section 2, in lines 18, 19, and 20—

And to authorize its members or its employees to travel in or outside the United States on the business of the commission.

Mr. WILSON of Pennsylvania. That is correct.

Mr. FOSTER. It also provides:

The commission is authorized as a whole, or by subcommittees of the commission duly appointed, to hold sittings and public hearings anywhere in the United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to compel testimony, etc.

In inquiring into the methods which have been tried in any State or foreign country for maintaining mutually satisfactory relations between employees and employers, and in providing that they may sit anywhere in the United States and "inquire into" these conditions, does the gentleman think the commission would have the right to visit foreign countries for that purpose?

Mr. WILSON of Pennsylvania. The right to sit at any place and investigate carries with it the right to send for persons and papers. As a matter of fact, they could not send for persons and papers in a foreign country. They would have to depend upon the courtesies of the people of foreign countries for such information as they might be able to secure.

The commission, as was proposed in the original bill, was to be composed of two employees and two employers and five disinterested parties, making a commission of nine in that way. The committee, believing that it would facilitate the business of the commission to enable it to subdivide properly, proposed to change that and make the component parts of the commission three employers, three employees, and three disinterested parties, so that the commission might readily subdivide itself into three subcommittees and have a representative of each of those elements upon the subcommittee.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Yes.

Mr. COOPER. Will not the gentleman from Illinois [Mr. FOSTER] inquire whether this commission will be authorized to hold hearings in Europe?

Mr. FOSTER. The commission is empowered to inquire into certain methods in relation to employers and employees in foreign countries. What I was getting at was whether under that provision the commission has the right to visit foreign countries.

Mr. COOPER. The gentleman will observe in lines 9 and 10, on page 2, that they are limited, so far as their sittings and public hearings are concerned, to the United States.

Mr. FOSTER. I read that to the gentleman from Pennsylvania first and then asked about the other.

Mr. COOPER. It says they inquire into—

Mr. FOSTER. I do not understand it gives them that right.

Mr. COOPER. Suppose they go to Europe.

Mr. WILSON of Pennsylvania. If the gentleman will read lines 18, 19, and 20, on page 2, he will see that authority is given by the bill to members and the employees of the commission to travel in or outside of the United States on the business of the commission; and on page 3 it is provided that it may investigate into methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers, so that the authority is given to travel in foreign countries. As a matter of fact, they could not send for persons and papers, but they would have to depend entirely upon the courtesy of those in foreign countries for such information as they might be able to gather there; but they are given permission to travel in those countries, so far as the courtesies of those countries will permit them to investigate.

Mr. FOSTER. Let me ask the gentleman this further question. I know from long experience in the mining industry the gentleman has a great deal of information concerning that great industry. Does the gentleman think that industry, which is important in this country—as this commission is to take up all the industrial conditions of the United States, does the gentleman think that this commission can give the necessary attention to the different problems connected with this industry?

Mr. WILSON of Pennsylvania. The problem itself is an enormous problem, as everyone knows who has investigated the situation. It is a problem which reaches out into every walk of life. There is no situation in life that is not more or less affected by the industrial conditions and situation, so that the commission has an enormous task before it; but being in a position of dividing itself into subcommissions of three or even less

if it so desires, each one of those subcommissions, having some of the component parts of the commission within itself, would be able to do as much on that line as three commissions ordinarily would do and then be able to bring the combined intelligence of all nine members of the commission to a solution of the problem involved after the information had been collected. Now, so far as the mining industry is concerned, which is a very large industry. At the present time, however, a great portion of that industry is being handled industrially through collective bargains. Very recently the anthracite region was included in the collective bargain arrangement, so that there is, I should judge, about 70 per cent of the mining operations in Pennsylvania—which produces half the coal produced in the United States—about 70 per cent of the mining operations in Pennsylvania that are covered by the collective bargain arrangement. The only portions that are not covered by the collective bargain arrangement are the Irwin field, the coke region, the Somerset County field of Pennsylvania. Those are the only ones not covered.

All of Ohio, Indiana, Illinois, Iowa, Missouri, Kansas, Arkansas, Oklahoma, and all coal mines in Texas—lignite is not covered by it—Montana, Wyoming are covered by the collective-bargain arrangement, and part of West Virginia, part of Kentucky, part of Tennessee are not covered by the collective-bargain arrangement, so that the investigation of the problem, so far as the coal mining is concerned in the United States, the problem of collective bargaining, would not be a very large problem for investigation for a commission of this kind, a great bulk of the field being covered by mutual arrangement between employer and employees, in which collective bargaining is entered into; but the method by which these collective bargains are made, the extent to which they go, the effect which they have upon the industrial situation in the coal fields and the effect that industrial situation has upon the entire industrial situation would be matters within the scope of an investigation of this commission.

Mr. FOSTER. Well, is it the gentleman's opinion that this commission, composed of these Members, who are enabled under the provisions of this bill to divide themselves into subcommittees, will be able to go out and make as complete an investigation of this great industry of coal mining in all its different phases—not only coal mining, but quarrying and precious-metal mining and all matters connected with it—as they would under a commission which would give them jurisdiction only of this industry?

Mr. WILSON of Pennsylvania. As a matter of course, the more limited the field in which the commission operates the more fully the work of that commission can be done.

Mr. COOPER. Will the gentleman permit an interruption? Mr. WILSON of Pennsylvania. Yes.

Mr. COOPER. Why does the gentleman provide for dividing this committee into subcommittees? It strikes me a subcommittee of three employers in a certain field might render a report that would be unsatisfactory, just as a subcommittee of employees in a certain field might do.

Mr. WILSON of Pennsylvania. It provides for a division into subcommittees of three. As the bill originally came to the committee it provided a commission composed of two employers, and two employees, and five disinterested parties. Now, it occurred to the committee that there being cause for this committee to appoint subcommittees, that it would be advisable to increase the number of employers and employees and reduce the number of disinterested parties, so that they would be equal, and it proposes an amendment making a commission composed of three employers, three employees, and three disinterested parties, so that if the commission when organized desires to divide itself into a committee of three there could be on that commission a representative of the employers, a representative of the employees, and a representative of the public at large.

Mr. COOPER. Yes; but if the gentleman will permit this suggestion, this law ought to be mandatory if those are to be subcommittees, that each subcommittee shall contain one member of each of these classes. Otherwise you may have three employers, or three employees, or three of the other class as a subcommittee sometimes.

Mr. WILSON of Pennsylvania. I do not think that is within the possibilities with a commission composed as this commission is composed. And in addition to that, there may be instances, and undoubtedly will be, where a certain line of information is sought by the commission, where only one member of the commission would be necessary to go after that line of information.

Mr. COOPER. I was speaking simply of the matter of the public hearings in the United States. If a subcommittee is to have a public hearing, it ought not to be a subcommittee composed of three of one class.

Mr. WILSON of Pennsylvania. Oh, that is true.

Mr. COOPER. And the law ought to be mandatory that it shall not consist of three of one class. But there is nothing in the bill as now presented which would prevent public hearings in the United States being held by a subcommittee composed of three of one class.

Mr. WILSON of Pennsylvania. No; but it is not likely that a committee would be composed in that way.

Mr. COOPER. It is not likely, but it might occur.

Mr. WILSON of Pennsylvania. It is practically impossible. It certainly is not probable that any subcommittee of this commission would be sent out to investigate any phase of the situation that would be composed entirely of one of the elements mentioned.

Mr. COOPER. But a subcommittee might be sent, and it is contemplated it shall be practically at the outset a subcommittee of three men, and it might be sent to investigate one of the most important subjects which they could consider under this bill, and yet the law leaves it so that two of one class with one of another might be on the subcommittee and one class be entirely unrepresented.

Mr. WILSON of Pennsylvania. That is absolutely true, so far as this bill is concerned.

Mr. COOPER. The law ought not to be drawn in that form. The law ought to be mandatory so as to preclude the possibility of a failure of each of those classes to be represented on each of those subcommittees which in the United States could hold a public hearing for the purpose of submitting evidence to the Congress of the United States. One of the subcommittees hearing this testimony would submit to the other six men its report. The other six men would not have seen the witnesses, and the confrontation of witnesses is of supreme importance always in determining the weight to be given to their testimony. Therefore, I think this law should be amended so as to require by mandatory provision that any subcommittee holding a public hearing in the United States under this law shall have on that subcommittee a representative of each class provided for in the law.

Mr. WILSON of Pennsylvania. The only objection I would have to a proposition of that kind would be that it would prevent the commission from dividing itself into more than three. It prevents the sending of one or two of the members of the commission into some locality to secure certain lines of information that might not be affected by the fact that one or the other of the elements of the commission were not at the hearing.

Mr. MOORE of Pennsylvania. Will the gentleman yield, Mr. Chairman?

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WILSON] yield to his colleague [Mr. MOORE]?

Mr. WILSON of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Does the Bureau of Labor, as at present constituted, have its duties so defined as to cover the purposes stated in section 4?

Mr. WILSON of Pennsylvania. I think not.

Mr. MOORE of Pennsylvania. The gentleman thinks the bureau is not sufficient to meet the purpose of this bill?

Mr. WILSON of Pennsylvania. No. The bureau as at present defined is practically a statistical bureau. This does not propose to any great extent to deal with statistics, or in other words, it is not the primary purpose of this commission to collect statistics. The purpose of this commission is to get at the underlying causes of the discontent that exists throughout the country and which exists in other countries at the present time; to get at the underlying reasons for that discontent; and to investigate the methods by which employees and employers deal with each other, with a view to determining whether those methods have anything to do with that spirit of discontent; and, further, to endeavor to discover whether or not there is some better method of handling the relationship between the employer and the employee than those that exist at the present time.

Mr. MOORE of Pennsylvania. The purpose of my inquiry is to ascertain whether by this bill we are getting at any more direct method of improving labor conditions than already exists. The gentleman knows we have a Bureau of Labor, which he says does not cover the purposes set out in this bill. But the other day we considered a bill creating a department of labor and passed it this morning, and it was passed with a view to alleviating labor conditions. That bill creates certain offices in addition to those already constituted in the Bureau of Labor and the Department of Commerce and Labor. The question is whether by the passage of this bill we are not adding to the red tape of the Government and multiplying offices to such an extent that instead of helping labor we interfere with its progress.

Mr. WILSON of Pennsylvania. In my judgment you are getting away from the red tape. You are getting this proposition of the relationship between employer and employee placed in the hands of nine men whose sole duty it is to investigate that problem, and thereby get away from the red tape of a department and meet actual conditions.

Mr. MOORE of Pennsylvania. But in the passage of this bill, if the department of labor bill also is enacted into law, you will have created three separate agencies in the interest of labor for doing substantially the same thing.

Mr. WILSON of Pennsylvania. Not the same thing, but doing different phases of the work—different parts of the work—and, by the way, I may add right here at this point that the fact of the matter is that labor, which is the basis of all the wealth of the country, the means by which the wealth of the country is made available for use, has not received the attention at the hands of Congress that other interests have received. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. The gentleman does not have to argue that labor is the creator of all wealth. That is conceded by every one who thinks upon the subject at all. Labor does receive consideration at the hands of Congress. The conditions of labor, unquestionably, have been improved during recent years. Some gentlemen differ as to whether the improvement is due solely to the influence of labor organizations or whether it is due to other agencies; but we will concede that labor organizations do help to improve the wage standard and the conditions of living.

Some of us assert, however, that there are other considerations that also improve the conditions of labor. I would not have labor confused with regard to its rights. We have been laboring here for several weeks on bills that are termed "labor bills." If the average laboring man grasps the situation, very well; but it seems to me that we, as legislators, ought to make the course of labor as easy as possible, and we ought to pile up the least possible red tape for the confusion of labor.

Now, if the Bureau of Labor does not represent labor we ought to know that. We have a Bureau of Labor now at work. It has been investigating the conditions of labor for years and years. The gentleman has proposed a department of labor bill, which the House passed this morning. That makes a new agency through which labor is to be represented in all general affairs. Now, the purposes of the Bureau of Labor, apparently, are understood, and the purposes set forth in the bill creating the department of labor are understood, and labor does get its recognition. The gentleman now comes forward with a bill and proposes a commission which shall also do the work, apparently, that has been assigned to the Bureau of Labor and to the department of labor. If there is a new purpose in it, that is what I am trying to have the gentleman explain.

Mr. WILSON of Pennsylvania. I have already stated that there is a new purpose in it, and I have stated that purpose as clearly as I can, and if the gentleman does not understand the purpose of this commission the fault lies either with my expression of that purpose or with the gentleman's misunderstanding of my language.

Mr. MOORE of Pennsylvania. There can be no personal differences between the gentleman and myself, of course, because the gentleman is extremely intelligent upon this question of labor and of the rights of labor. Now, may I ask the gentleman this: Will this industrial commission, if created, have the power to put into effect any of the findings that may result from its work?

Mr. WILSON of Pennsylvania. It will have no power to put any findings into effect. It will have the power to report to Congress what its conclusions are; and then, having reported to Congress what its conclusions are, Congress will determine whether or not it will take any action upon the matter.

Mr. MOORE of Pennsylvania. Then, as in the case of the department of labor, the result of the work of the industrial commission will be to publish its views upon the investigations it has made.

Mr. WILSON of Pennsylvania. The work of the commission itself will be to investigate those things that are specifically provided for in the measure. Having investigated them, then it will report to Congress its conclusions upon those investigations. It will then depend upon Congress to take such action as Congress may deem wise in the premises.

Mr. MOORE of Pennsylvania. Then the industrial commission, as proposed, is merely to investigate and report its conclusions upon labor conditions.

Mr. WILSON of Pennsylvania. That is the purpose of it, to investigate into the relationship existing between employer and employee, and the effect that that relationship has upon the spirit of unrest which now exists and has existed for some time

among the wageworkers; what the effect of that relationship has upon industry in general and upon the community at large, and the best things that can be devised by the employer and the employee to bring them into a relationship that is for the best interests of the community at large.

Mr. MOORE of Pennsylvania. Then effect can be given to the recommendations of the commission only by act of Congress?

Mr. WILSON of Pennsylvania. That is all. We do not propose to give any legislative power to the commission.

Mr. HOWARD. And can not.

Mr. WILSON of Pennsylvania. There is no power in Congress, in my judgment, to give any legislative power to a commission.

Mr. MOORE of Pennsylvania. Referring to the first section of the bill, which was the subject of the interrogation of the gentleman from Wisconsin [Mr. COOPER], I should like to ask the gentleman from Pennsylvania if he can tell about how many workmen in the United States are organized into labor organizations?

Mr. WILSON of Pennsylvania. Approximately 3,000,000.

Mr. MOORE of Pennsylvania. What is the total number of wage earners in the United States?

Mr. WILSON of Pennsylvania. The total number of wage earners in the United States is somewhere between 20,000,000 and 25,000,000, I should judge, at the present time.

Mr. MOORE of Pennsylvania. I have heard it estimated at 30,000,000.

Mr. WILSON of Pennsylvania. Thirty million would include not only wageworkers but farmers.

Mr. MOORE of Pennsylvania. Of course, I include agricultural laborers as wage earners. The gentleman from Wisconsin [Mr. COOPER] inquired as to the number of the members of the commission and also as to the possibility of a subdivision of the commission being prejudiced on one side or the other, holding meetings without the knowledge or presence of the entire commission. As the bill reads, it proposes that the commissioners shall be nine in number, three of whom shall be employers of labor, three of whom shall be representatives of labor organizations—

Mr. WILSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. The inference is, of course, that they are to be employees.

Mr. WILSON of Pennsylvania. Yes—

Mr. MOORE of Pennsylvania. May we have it understood that that designation is general; that the expression "representatives of labor organizations" does not exclude those who are employees?

Mr. WILSON of Pennsylvania. "Representatives of organized labor," in the sense in which the expression is used, means that there shall be three men who are connected with trades-union movements, who are members of trades-unions, who are employees or the representatives of employees, just the same as an employer may either be the owner or the representative of the owner of a property. So this provides for representation on that commission from the organized expression of the wageworkers of the country.

Mr. MOORE of Pennsylvania. Carried out literally, it would mean that three members of the commission shall be actual employers of labor?

Mr. WILSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. And three members in addition should be members of labor organizations?

Mr. WILSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. That leaves three still to be appointed, and those three could be wage earners, representing the great mass of wage earners who are not organized in labor unions.

Mr. WILSON of Pennsylvania. They will be, directly or indirectly, employers or employees; there can be no getting away from that. They may be professional men or employers or employees directly. But, either directly or indirectly, every person in the country is an employer or an employee.

Mr. MOORE of Pennsylvania. There are a number of labor organizations, and one or two of them represent the greater number of those who are organized. Suppose a dozen labor organizations should clamor for representation on this proportion of three members of the commission. Does the gentleman think that the bill would prejudice the rights of the representative of the minor labor organizations applying for that place?

Mr. WILSON of Pennsylvania. Oh, that is a matter entirely within the judgment of the President and the Senate as to who are best qualified to carry on the work.

Mr. MOORE of Pennsylvania. One more question and I will not trouble the gentleman further. This bill proposes to spend \$500,000 for the purpose of this industrial commission?

Mr. WILSON of Pennsylvania. Yes; but there is a committee amendment which proposes to strike out \$500,000 for the three years and making \$100,000 for the fiscal year ending June 30, 1913.

Mr. MOORE of Pennsylvania. This bill will create a permanent commission?

Mr. WILSON of Pennsylvania. No; it creates a commission whose term expires by limitation at the end of three years.

Mr. MOORE of Pennsylvania. And it is proposed to spend \$500,000 in the investigation which it will make.

Mr. WILSON of Pennsylvania. It will require in the neighborhood of \$500,000 to make the investigation as it should be made. It may not take that amount. Hence we propose to amend by making it \$100,000 for the coming year, and then leave the matter for further appropriation by Congress, if it shall determine to do so.

Mr. MOORE of Pennsylvania. That would be in addition to what Congress will spend for the Department of Commerce and Labor and for the Bureau of Labor?

Mr. WILSON of Pennsylvania. Oh, yes; and it will be in addition to what we spend for the Army and the Navy and the State Department.

Mr. FITZGERALD. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. FITZGERALD. Upon what does the gentleman base his opinion that it will require \$500,000 to make the investigation?

Mr. WILSON of Pennsylvania. Because the subject matter is one of the greatest that has ever been investigated by any commission.

Mr. FITZGERALD. That may be; but it does not explain the basis upon which the gentleman makes the estimate.

Mr. WILSON of Pennsylvania. The immigration commission, as I understand it—

Mr. FITZGERALD. That money was wasted.

Mr. WILSON of Pennsylvania. Cost more than \$500,000.

Mr. FITZGERALD. Yes; over \$700,000, and not a thing of value resulted from the investigation. So far nothing of value has resulted from the Monetary Commission. I hazard the prediction that if you spend \$500,000 on this commission the greater part of it will be wasted.

Mr. WILSON of Pennsylvania. The subject matter is one in which everyone is interested.

Mr. FITZGERALD. True.

Mr. WILSON of Pennsylvania. And a complete investigation will place us where we can deal with the matter better than we can at the present time.

Mr. FITZGERALD. Will the gentleman point out any power that Congress has to legislate on the matters?

Mr. WILSON of Pennsylvania. Congress has not the power to legislate on all the matters.

Mr. FITZGERALD. Then why investigate? If Congress has no power, why investigate?

Mr. WILSON of Pennsylvania. Even if Congress had no power to legislate—and in many instances it has—there are many things in which this Government has been making and will continue to make investigations of value, for the information received can be made available for legislation by the various States, if not by the Federal Government. There are a number of things in which legislation can be made effective by the Federal Government—those relating to interstate commerce.

Mr. FITZGERALD. That is what I ask the gentleman to point out.

Mr. WILSON of Pennsylvania. The things affecting Federal employees and the things along that line are thoroughly within the scope of the Federal Government, and then the information which has been secured, if of value at all, will be available for every State in the Union in the enactment of its legislation.

Mr. COOPER. The gentleman has just mentioned as a fact something which I think is not covered by the bill. That is what I want to ask him about. There is no provision in this bill requiring the commission to report anything but its findings and recommendations. There is no requirement here that the testimony shall be published and submitted to Congress.

Mr. WILSON of Pennsylvania. There is no such requirement. If Congress desires that, it can at any time provide for it.

Mr. COOPER. I think that is of the utmost importance. The reports of the British commission and of various other commissions on industrial conditions, of our Monetary Commission on finance and currency, are of very great importance because accompanied by the testimony upon which their reports are based. My own judgment is that this law ought to require the printing of the testimony and its submission to the Congress.

Mr. WILSON of Pennsylvania. I have no objection to that if Congress wants to undertake the printing of the testimony as it is procured from time to time.

Mr. COOPER. It certainly ought to be printed.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. AYRES. I would like to ask the gentleman what, aside from the possible publishing of the testimony taken, this commission could do practically that is not already done by voluntary commissions like the National Civic Federation?

Mr. WILSON of Pennsylvania. Oh, the scope of the National Civic Federation is not large enough. Its authority is not sufficient to enable it to go into this subject matter in a systematic way.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. I yield to the gentleman from Ohio.

Mr. LONGWORTH. In the event that the bill to create a department of labor becomes a law at this session of Congress, does not the gentleman think the duties given in this bill to the Secretary of Commerce and Labor should be given to the secretary of labor? I refer to the duties prescribed in line 10 on page 1.

Mr. WILSON of Pennsylvania. I think so; yes.

Mr. LONGWORTH. Ought not the bill to provide for that?

Mr. WILSON of Pennsylvania. If the department of labor were now in existence, it should; but if we pass this with the Department of Commerce and Labor stricken out and the department of labor inserted, then, so far as the House is concerned, it would be dealing with a department that does not exist.

Mr. LONGWORTH. Yes; but it could provide for the contingency that in the event there was a secretary of labor those duties could fall upon him.

Mr. WILSON of Pennsylvania. That could be done, but it would be a very easy matter to remedy in the event the department of labor is created before the passage of this act.

Mr. LONGWORTH. But it would take additional legislation.

Mr. WILSON of Pennsylvania. Undoubtedly it would. It is not a very important matter, however, it seems to me.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. HOBSON. I desire to ask a question bearing on the scope of the investigation. Much of the unrest that prevails in labor circles is due to the conditions—the actual physical conditions—of labor, particularly those bearing upon sanitation and the danger and exposure to life and limb. For a long time I have been hoping that the question of the loss of life and the injury to employees would be investigated.

I believe the investigation would bring results that are simply appalling. I want to ask the gentleman if under section 4 this commission would have authority to include in the scope of its investigation the conditions of sanitation, the exposure to life and limb, and the arrangement for compensation of employees?

Mr. WILSON of Pennsylvania. Only in so far as those are incident to the unrest now existing. I want to say to the gentleman that in my judgment he is in error when he assumes that the low wages and the insanitary conditions and matters of that kind are the fundamental causes for a spirit of unrest. As a matter of fact, you find less unrest in those industries where the iron hand of the employer is used for the purpose of keeping the workman in low wages and in poor condition in order to keep them in subjection. The spirit of unrest does not get the opportunity to grow, and there is where there is more danger to our institutions than there is where higher pay exists and there is more unrest.

Mr. HOBSON. I will say to the gentleman I am in thorough accord with him that a condition of acceptance and acquiescence sometimes indicates a subjection that is most unhappy for the employee and for the community and for the people. In this country adequate provision has not been made thus far to protect the health and life and limb of the employee. An investigation of great value could be made that would not require much of the time of this commission, carried on in conjunction with the regular hearings.

A few additional questions asked would bring out the provisions that have been made and the lack of provision for preserving the health, life, and limb; and that additional information would be invaluable to this Congress and to all students of the problems of labor conditions—

Mr. WILSON of Pennsylvania. I quite agree with the gentleman.

Mr. HOBSON. But I think it possibly well to have an amendment in order that it may not be excluded by an interpretation of authority. I believe the authority is perhaps in section 4, which provides for an inquiry into the general conditions of labor and the principal industries; but I would suggest, if the gentleman has no objection, where it speaks of the effect of

industrial conditions on public welfare, and so forth, after the word "therewith," an amendment should be made adding, "to inquire into the conditions of sanitation and exposure of life and limb and the arrangement for compensation."

Mr. WILSON of Pennsylvania. Well, so far as I am concerned, I see no objection to the amendment; but I can not speak for the committee.

Mr. MANN. Is the gentleman from Alabama familiar with the report of the commission recently appointed and recently reporting on the subject of compensation paid?

Mr. HOBSON. I know that part of the question of compensation is under investigation, but that is not an essential part, and I would be willing to leave that out if the gentleman thinks it is superfluous.

Mr. MANN. It seems to me, as we appointed a commission and they made a report and it is likely a bill will be passed when prepared—I hope there will be no excuse against that bill that we are now to make another investigation.

Mr. HOBSON. I will suggest to the gentleman that I will withdraw that part of my suggested amendment, leaving it simply when they are in their hearings that they shall have authority to call on witnesses to state what provisions have been made to protect the health and life and limb of the employees. When we reach that point I will offer that amendment.

Mr. WILSON of Pennsylvania. Personally, I have no objection.

Mr. FOWLER. I understand the gentleman claims that the provisions of the bill are broad enough to go into the question of unrest. And, now, does the gentleman regard it as being broad enough to go into the causes of that unrest?

Mr. WILSON of Pennsylvania. That is what it is proposed to investigate, the causes of the unrest; that is the purpose of the commission; that is the primary purpose, to go into the causes of the state of unrest and find out, if possible, if there is any way by which the relationship between the employer and the employee can be brought to such a position that that spirit of unrest will not find the same kind of expression as it has found, and yet the welfare of both be protected and the welfare of the community at large be protected at the same time.

Mr. FOWLER. Does the gentleman regard the bill as being broad enough to take in the question of blacklisting?

Mr. WILSON of Pennsylvania. Oh, yes; I think so.

Mr. FOWLER. The gentleman thinks he will have no trouble with that question without any amendment?

Mr. WILSON of Pennsylvania. I do not think it will require any amendment. The commission will have power to investigate blacklisting as it affects the industrial situation.

Mr. SMALL. May I interrupt the gentleman?

Mr. WILSON of Pennsylvania. Certainly; I yield.

Mr. SMALL. The gentleman in his report on this bill uses this language:

That there is widespread unrest among the wage workers of this country is apparent from the large number of trade disputes which have lately occurred or have lately been imminent.

The gentleman in his remarks has also referred to widespread dissatisfaction. Now, in response to the gentleman from Alabama [Mr. HOBSON] the gentleman commented somewhat upon the causes of this unrest, and I would like to have the gentleman from his viewpoint state not only the causes but what is the desire on the part of labor as a remedy for this alleged dissatisfaction and unrest; to what extent higher wages are desired; to what extent the question of sanitation is desired; and in so far as the gentleman may summarize with the matter, to state what the remedies are, if afforded, that will allay this dissatisfaction and unrest to which the gentleman referred?

Mr. WILSON of Pennsylvania. Mr. Chairman, it is exactly the purpose of this commission to find out the causes of this unrest and to discover a remedy if possible.

Mr. SMALL. Mr. Chairman, if the gentleman will permit me, I would suggest that it is rather an anomalous condition to inquire into causes of which we are ignorant and asking a remedy for those causes, the remedies for which are unknown. And I think it would be enlightening in this discussion if in voting on this bill to create this commission on industrial relations, we could have some concise explanation of the alleged causes for this alleged unrest and dissatisfaction and all the remedies which it is sought to be provided in order to allay them.

Mr. WILSON of Pennsylvania. Mr. Chairman, there are many causes for the spirit of unrest. There is no one thing that is responsible, and it is the most difficult thing imaginable for any man to undertake to determine without a thorough investigation just the proportion of effect that one cause has and

the proportion of effect that another cause has. The causes are so numerous, and there are some things that are considered causes that may not be causes and other things that may be causes that are not considered causes, that in the judgment of this committee it is deemed advisable to appoint a commission to investigate the entire subject matter, and after having determined what the causes are we will then be in a better position to determine the remedy that should be applied.

Mr. SMALL. May I interrupt the gentleman once more?

Mr. WILSON of Pennsylvania. Certainly.

Mr. SMALL. I had supposed that the chief causes of dissatisfaction, where they existed, were the low wages and the conditions of environment of labor at the place or in the industry in which it was engaged, but the gentleman awhile ago stated, as I understood him, that where labor receives its lowest wage—where it was under the iron hand of the employer—that there was less dissatisfaction and less disposition to assert their rights; and, on the contrary, I understood him to state that where wages were highest and conditions were best there was a greater condition of unrest and dissatisfaction. And I would like him to explain a little fuller the meaning of that statement which he made.

Mr. WILSON of Pennsylvania. That statement is based upon human nature. We are all of us like Oliver Twist in that we are continually anxious to have more, and the man who is on the lower rung, who is working for the lowest wages, as a rule, is in such a position physically and mentally that he is not able to struggle for more as can the man who has raised a little higher than the other has.

And the man who is the muddsill, as we may say, is not physically or mentally in a position to struggle, as is the man who is better fed, better clothed, better read, for better conditions and shorter hours. So the actual facts are that in the great iron and steel industry, where the wages are low, and in many other of those industries where the wages are low, you do not find the same sort of unrest that you do in the higher skilled industries where the wages are higher than they are in the iron and steel industry, and where the men have greater ambition and greater desire for a betterment of their conditions than the ones who are lower paid. That is all there is to it. Simply a trait in human character that is found everywhere.

Mr. SMALL. Would it not be entirely consistent, then, if we are to appoint a committee to inquire into a condition that we do not know and the remedies for which we do not know? Would it not be consistent to enlarge this bill so as to include in it all ranks of life? Let us broaden it so as to include all the dissatisfied among all our population, whether employer or employee or idlers.

Mr. WILSON of Pennsylvania. If the problem was a problem that seriously affected the State, then there would be wisdom in the gentleman's proposition, but the problems that this is proposed to deal with does seriously affect the State. It is a problem that affects the entire country—the problem of the relationship of our industries between employer and employee—and hence the desire to investigate into those conditions.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WILSON] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have time in which to conclude his remarks.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time of the gentleman from Pennsylvania be extended until he concludes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. NYE. Mr. Chairman, I was going to see if I could suggest a little help to the gentleman from Pennsylvania in answering the former question of the gentleman from North Carolina [Mr. SMALL] in reference to the purpose of this bill. If the gentleman will permit me just two or three minutes—two minutes, perhaps—I want to give my idea of this whole subject: That information is the first essential to all advance in civilization; that communication between man and man is the path of civilization; that much of our trouble and unrest and discontent comes from the fact that man does not know his fellow man, and that the basic purpose of this bill in investigating in this country and in the world will have a marked tendency, and must have, to bring man closer to man, to establish a greater bond of humanity, and to deal with the vital industrial problems of this age. They are not only industrial, but they are also social, and they are political.

I am very happy to support this bill. I would like to see the workingmen's compensation bill passed first, but as I can not do that—it is hung up for some reason—let us pass this one now. I want both of them.

Mr. CANNON. Which is the bigger horse of the two?

Mr. MANN. Let us hear the gentleman's opinion.

Mr. NYE. I do not want to make a speech. I do not want to trespass upon the gentleman's time, but I will make a speech on the general questions of the day at any time.

Mr. WILSON of Pennsylvania. Mr. Speaker, I have no desire to go further into the purposes and intents of this bill. In my judgment it will do considerable good. I have no idea that it will solve all the problems existing between employer and employee. Those I scarcely hope to see solved in my time; but I do believe that it will have a tendency toward the solution of those problems. It will have the tendency of bringing the employer and the employee together on common ground. My experience has been that when you are able to get the employer and the employee together on common ground, realizing that while their interests are not identical, they are mutual in seeing to it that the largest amount of production is secured with the least possible expenditure of labor, and that their interests diverge only when it comes to the point of determining the share that shall go to each in the common production—when, I say, you can get them together with that kind of a spirit—you have done considerable toward the solution of the problem. And this bill, if enacted into law, will tend to show the employer and the employee alike the necessity of getting together and thrashing out their differences over the table instead of in the industrial battlefield of strikes. [Applause.]

Mr. COOPER. Mr. Chairman, will the gentleman permit me just one question there at the end?

Mr. WILSON of Pennsylvania. Yes.

Mr. COOPER. It does seem to me, Mr. Chairman, to be of vital importance that the testimony which is taken by this commission or by any of its subcommittees at the public hearings in the United States shall be returned with the reports of the commission for the consideration of Congress.

Now, let me call the gentleman's attention to the language of this bill. The third section provides:

That said commission may report to the Congress its findings and recommendations from time to time.

Suppose there shall be a minority report and a majority report, what will Congress know concerning the facts upon which these reports are based unless it has also a record of the testimony?

Mr. WILSON of Pennsylvania. I may say to the gentleman that I have no objection to any amendment that authorizes the publication of the hearings. I have no objection whatever to that.

Mr. COOPER. The last sentence in section 4 of the bill, page 3, is this:

The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

Suppose there is a majority report and a minority report. The House will know nothing about the testimony upon which this disagreement occurs. What decision can Congress render? What action can it take when confronted simply by a majority report and a minority report, both based upon evidence which Congress has not seen?

Mr. FITZGERALD. What provision is there in this bill for any minority report? The provision that the commission shall report its conclusions does not make very much room for a minority report.

Mr. COOPER. Has the gentleman from New York served in Congress so long and never heard of a majority and of a minority recommendation by different members of the same committee? This bill provides that the committee shall submit its findings and recommendations. The gentleman from New York anticipates perfect unanimity.

Mr. FITZGERALD. I should hope there would be.

Mr. COOPER. But there may not be.

Mr. FITZGERALD. No; there may not be.

Mr. COOPER. For instance, take the Ballinger investigation. When that was first proposed the resolution provided that there should be hearings before the committee or any subcommittee. The resolution was so drawn that these hearings might have been in secret. Then an amendment was carried to make all hearings public. Thereupon there were no subcommittee hearings, but hearings only by the full committee.

Mr. FITZGERALD. I scarcely think the gentleman's statement is parallel, because there has been no suggestion here that there should be any secret hearings.

Mr. COOPER. No; but I am only stating what occurs sometimes when such proceedings are not properly guarded. In the Ballinger investigation the whole committee heard each witness. Not only that, but the committee kept a record of the testimony, and that was printed and made available for Congress. But there was a majority and a minority report. Without a record of the evidence, what would Congress have known about

the facts as presented by the witnesses, the majority of the committee of investigation having submitted a report with findings of fact and recommendations and a minority having done likewise?

Mr. FOSTER. Is it not usual that the evidence taken by these committees is printed, and that if the printing is not provided for in the bill Congress afterwards authorizes the printing of the testimony?

Mr. COOPER. There should be no delay in submitting the testimony to Congress. There is no reason why it can not be printed and submitted with each report. The committee will have the evidence and consider it for some time before making their report. The evidence could all be printed and accompany the report of the committee when that is presented.

Under the ordinary rule of statutory construction—that the mention of one thing is the exclusion of another—the committee would have a right to say that as by this bill they are expressly authorized to report their findings and recommendations, that therefore they are not authorized to report anything else. Certainly they ought to be required to submit the testimony with their report.

Mr. FOSTER. I fully agree with the gentleman that that ought to be done.

Mr. COOPER. Of course it ought to be done, and the law ought to be mandatory and be made so now.

Mr. FOSTER. I suppose that would be done.

Mr. COOPER. The testimony will make a record of surpassing importance for the consideration not only of the people of this day but of future generations.

Mr. MOORE of Pennsylvania. Mr. Chairman, of what value would that printed testimony be if the cause of unrest was due to some concrete proposition—that is to say, a question as to the raising or lowering of wages?

Mr. COOPER. The testimony would be before the committee and then submitted to the House, as to what are the wages, what are the different grades of workmen? What does each receive? What are the surroundings? Are there proper sanitary arrangements? Are wages paid weekly, semimonthly, or monthly? Do they make collective bargaining in that particular industry? All of these facts and a thousand others would be not only before the committee, but before the House, and they most assuredly ought to be before the body which is to judge upon the merits of the recommendations made by the commission. I sincerely hope that the gentleman from Pennsylvania [Mr. Wilson] will consent to an amendment instructing the committee to report the testimony with its report.

Mr. WILSON of Pennsylvania. As I said before, I have no personal objection to an amendment which will make it clear. The judgment of the committee was that that power existed anyway under the bill, but I have no objection to an amendment which will make it clear.

Mr. FOSTER. Does not the gentleman think this testimony ought to be reported from time to time? Of course at the end of the term of the commission the testimony would be available, but it ought to be published from time to time, because they are authorized to report from time to time.

Mr. COOPER. I think so, most assuredly. I shall support the bill with great pleasure, because I deem its enactment into law to be of the utmost importance.

The questions to be considered by the commission go to the very fundamentals of society to-day. There is unrest here, and there is unrest in free-trade England, a fact demonstrating that the tariff question is not the only one involved. No; the tariff question does not cover it. There is unrest everywhere in the industrial world. We have been merely skimming the surface in our attempts to find a remedy. No question can be satisfactorily solved until the truth is known to those who are called upon to solve it. What are the facts and all of the facts that constitute the great industrial problems? These must be made known that we may do industrial justice. Therefore, of course, the testimony ought to be printed. One of the greatest curatives of evils—political, social, or industrial—is publicity. This testimony ought to be promptly published, and be as open as the day. Public opinion will correct evils and allay the unrest when the facts are made known, and they ought to be made known as soon as they are found.

Mr. MANN. Mr. Chairman, with reference to the question of printing, I beg to suggest that there is no provision in the bill authorizing the commission to have printing done. It is quite necessary for any body of nine men who consider any testimony or information presented to it to have the power to have that printing done as it goes along. I had proposed to offer an amendment to the amendment in the bill on page 2. The amendment to the bill reads:

And to rent such offices, to purchase such books, stationery, and other supplies as may be necessary to carry out the purposes for which such commission is created.

I had proposed to offer an amendment by inserting these words "and to have such printing and binding done," so that it would read:

And to rent such offices, to purchase such books, stationery, and other supplies, and to have such printing and binding done as may be necessary to carry out the purposes for which such commission is created.

I consider that that is quite necessary unless it should be understood as authorized by the bill without that, and I fear it would not be so understood.

Mr. FOSTER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FOSTER. Would the amendment which the gentleman proposes authorize them to report the testimony from day to day?

Mr. MANN. In a moment I will reach that.

Mr. WILSON of Pennsylvania. If the gentleman will pardon me, I want to say that I believe that authority ought to be given to the commission to print, but we supposed that we were giving that authority when we provided that it should have authority to rent offices, purchase books, stationery, supplies, and so forth, to carry out its purposes.

Mr. MANN. The purchase of supplies, I fear, would not be held to be authority to have printing and binding done.

Mr. WILSON of Pennsylvania. I think the gentleman is correct.

Mr. MANN. I do not regard it material one way or the other whether a commission of this sort which takes testimony reports that testimony to Congress or not, because if the testimony is in print the usual custom for years in Congress has been to pass a resolution for the printing of a certain number of copies. That would be required in any case, because if they were required to report the testimony to Congress and it was ordered printed, it would only carry what we call the usual number, which does not amount to as much as one copy for each Member.

Mr. KENDALL. What amount is that?

Mr. MANN. Fourteen hundred copies—300 copies for the use of the House, a number for the Senate, a number for the executive departments, a number for the depositaries of the Government. We had an example of this with reference to the Industrial Commission, the Monetary Commission, and the Immigration Commission, and various other commissions on this subject. The Industrial Commission a few years ago took—I forget how many volumes of testimony, but it was quite a library.

Mr. FOSTER. Nineteen volumes.

Mr. MANN. The Monetary Commission has published a large library, and the immigration report is quite a library. The gentleman from Wisconsin truly states that Congress and the world would not be satisfied with merely having before it conclusions reached by a commission. What they want in addition is the evidence taken by that commission. I take it that this commission will do very much the same thing that the Monetary Commission did. It will have some one investigate the subject of legislation and the relations between capital and labor in New Zealand, for instance, and write a full and complete report on that subject for the use of the commission. The same would be probably true of other countries of the world. I do not understand from this bill that the intention is that which seems to be understood by some gentlemen of the House, that the purpose of the commission is to settle or report conclusions upon everything growing out of the relations between capital and labor in the various industries.

I think the origin of this proposition is somewhat like this: There have been many efforts made, not only in this country but in other parts of the world, to reach some method of trying to avoid strikes and lockouts. In some places there is compulsory arbitration, and in some places there is no control over the subject whatever, and no one undertakes to interfere in the dispute between the employer and the employee. The consensus of opinion of the civilized world is that if there be any method which can be reached by which the employer and the employee may be brought together and thus prevent a lockout or a strike, some such method ought to be pursued. In our country I believe no one at present would be in favor of compulsory arbitration.

We had pending before the Committee on Interstate and Foreign Commerce a bill which was reported to this House at two different Congresses, originally prepared, I think, by Charles Francis Adams, proposing that the President of the United States might appoint arbitrators—though I do not remember that the term was arbitrators, and I think it was not—in case of a dispute or threatened dispute between the employer and the employee.

That bill went through the committee and was reported to the House once while I was chairman of the committee, and once before I was chairman of the committee the purpose being

in reporting it—and that was the understanding—that the bill would not be called up for passage, but that it was done to try to concentrate the attention of the country on the subject, to see whether everybody would agree upon some method of trying to avoid these industrial disputes or strikes and lockouts. Of course there is no way of avoiding disputes. Organized labor at that time and organized capital, I think, were both opposed to that bill, each being afraid that the other was in favor of it. That has been the trouble in the past. Capital, employers, have favored some proposition and labor would be opposed to it, because they thought there was something hidden in it, and if labor proposed something capital was opposed to it because it thought some undue advantage might be taken of it.

If I understand the purpose of this bill, it is that this commission after searching the world will endeavor to see whether capital and labor can agree on some method by which somebody is officially authorized to butt in in case of a strike or lockout, or threatened strike or lockout, and see if there is any way of bringing the people together by mediation or by agreement.

Mr. WILSON of Pennsylvania. Or if there is any other way that is better.

Mr. MANN. I think the gentleman from Pennsylvania and I and everybody else will agree that there is no other way of doing it. No one in this House would favor compulsory arbitration, and the majority of the House are not in favor of letting go on forever the disputes between the employer and the employee, with no effort to prevent their terminating in a strike or lockout, with riot and bloodshed. If a commission can be appointed which can suggest to Congress conclusions or an opinion which will warrant Congress in drawing conclusions which will authorize somebody to tender their good offices or in any way seek to bring together the employer and the employee and see if there is a common ground upon which they can stand, certainly that commission will have accomplished a great purpose.

Mr. Chairman, I think we have the time, although I hope there will be some other labor bills called up and passed to-day, to listen for a time to the gentleman from Minnesota, Mr. NYE. I am very anxious to have the gentleman address the House on this general subject, and I hope he will be recognized for that purpose. [Applause.]

Mr. NYE. Mr. Chairman and gentlemen of the committee, it is very kind of the gentleman from Illinois [Mr. MANN] and of you to permit general observations at this time, not altogether germane, perhaps, to this bill, but in a way related to it. I have not often asked the attention of the House, and it is quite possible that I shall not in the future even at all. I am in grave doubt whether my services in the House will be long continued. If they are not, of course it will be a great detriment to the country. [Applause.] But whether I retire early or late, I shall ever prize my membership in this House. The friendship and kindly personal relations I have with Members on both sides of the House will be always gratefully remembered.

I had in mind to make some general observations to-day upon the subject of progress. They are not in any sense personal. I am not going to undertake to advise any man that he shall vote for this man or that man, for this party or that party, but I desire to touch upon some fundamentals which in my mind are to be considered in connection with this great subject of progress. The wise man of old said, "Where there is no vision the people perish." Progress, to my mind, is the recognition of truth and fidelity to truth. It is the vision and obedience to the vision. Civilization has advanced because of great leadership.

Nations of the past have gone down because they forsook the teachings of their great leaders. Inspiration is the light of history. Here and there along the centuries some great self-denying teacher and martyr has illumined the pathway of his fellow men. Moses, who chose rather to suffer affliction with his people than enjoy the luxury of an Egyptian court, was a leader and lawgiver, and to be such he must communicate with the source of all intelligence, of all law, and of all truth, and he must stay in the mountain until he was so imbued with the truth that he could come down and give the law on tables of stone to a benighted, restless, and discontented race. Progress is essentially the work of the individual, and I notice the first and most important thing is self-denial. Man progresses as he learns to overcome, and his individual victory over self is a prophecy of social advancement and of collective progress. I walk past the humble statue of Benjamin Franklin on Pennsylvania Avenue every morning, and I see on the four plain sides of the pedestal four words, "Printer, Patriot, Philanthropist, Philosopher," and it has occurred to me that the foundation of the man's greatness was the printer—the useful man, the man who had learned a calling which was useful and industrial. This usefulness and thoroughness in a trade furnished the foundation of his illustrious life and achievements.

It was because of Franklin the printer, Franklin the boy of hardship and poverty, who wrought out of his own mind and soul the possibilities of greatness, that he was able as a philosopher to coax the lightning from the clouds, to make possible a Morse, an Edison, a Marconi, and finally a revolution of the whole industrial world by electrical processes. It was Franklin the printer who was the great man. It was Franklin the boy of poverty who was the potential philosopher and patriot. This man who stood by the cradle of the new-born Republic was Franklin the printer. I read in his autobiography the other day of the privations of his childhood, how little he had to eat, but he said, "I got so I could see that man does not live by bread alone, and out of the very poverty of my daily rations I learned that I had a clear head and a healthy body." Alas, the wealth of the rich men to-day as a rule is their poverty, if they could only see it, and the wealth of the poor man may be his poverty. The great men have come up out of tribulation and trials, and God is ever teaching us that great souls and great characters are above their environment; make their own environment.

We have had a Washington with his wealth and a Lincoln with his poverty to teach us that virtue is neither in wealth or poverty, but is in the individual character, and that alone. We are ever learning these things, and to my mind, without a hint of anything that might be deemed sectarian, I take it to be fundamental that the Great Teacher of the world wrought at the carpenter's bench and was obedient to His parents and to the law of His land, and that after His life of toil He had to go through the wilderness of temptation and then, and not till then, He could "return to Jerusalem in the power of the spirit." The great work did not begin till mighty victories over self had been won. Great men and great characters have their foundation in daily toil, daily labors, and the sacredness of daily duty; where the hand and brain work together achievement and character result. Workingmen are, as a rule, the inventors—men of vision. What gave them that vision? They wrought it out by self-denial and toil and much daily drudgery. Obedience to duty, faith in God, and patience with their fellow men gave them clearness of vision. With such vision Isaiah beheld a world without war in which the weapons of brutality and blood were to be transmuted into implements of peace and industry. This world he saw was the real world, the true world; and the Great Revelator Himself when He beheld the new heaven and the new earth saw the real heaven and the real earth.

We see the counterfeit because we are counterfeit. "What I am I see," is an old proverb and a true one. Lincoln had a vision far-reaching, and the more I study our history and our condition socially, industrially, and politically the more I can see it was an unerring vision. He wrought it out of toil and labor, industry and patience. Coming out of the wilderness of obscurity, of pain and poverty, loving all mankind, with reverence for the highest in the universe and patience for the lowest, this man was finally given the vision. Out of much tribulation it came, and what was it? It was a vision, a reflection of the Great Teacher's vision of eighteen hundred years before, that a house divided against itself could not stand. It meant more than the slavery question. In union he saw national life and immortality; in division he saw death and decay.

It meant that an industrial house divided against itself can not stand. It meant that a social house divided against itself can not stand. It meant that a political house divided against itself can not stand. It meant that in that one word "union" lies all essential progress and all essential happiness. It was a true vision.

Wendell Phillips had a vision. The young man in his humble law office in Boston one day hears an outcry upon the street. He looks out to see an old man dragged by the mob, and at that moment Wendell Phillips, the real Wendell Phillips, the true Wendell Phillips, was born; not the Phillips who might have gone to the Senate, not the Phillips who might have adorned his profession, but Phillips the free, brave, courageous, noble man who devoted the rest of his life to the cause of human freedom, and in the forum of public opinion made slavery a crime. He was not popular. He stemmed the tides of popular ridicule and derision. And he worked and wrought, amid hisses, sneers, and jeers, until he and a few of his brave band had planted the true seed of freedom in the American heart and public opinion made possible a free and united people. Phillips was a self-denying prophet and stood for real progress. Some one said if he had his life to live over again—I do not know who he was—he would be a reformer. If he would be a reformer, however, he must not be an officeseeker. I do not know but it is easier for a camel to go through the needle's eye than for a man who is asking office to be a reformer or to be a real advocate of sound progress. [Applause.]

There is too much flimflam, too much hypocrisy, and too much mask on both sides of the House. Men are not free. They are the toys of every wind and wave upon the turbulent political sea, watching and figuring for votes. Beware of the reformer who is a candidate for office, no matter who he is! Phillips did not run for office. He was not popular. He knew human majorities were not infallible, but that right is invincible in the end. Not until a man is ready to leave all for the truth, like the disciples who left their nets by the sea to follow the Master, is he any good as a reformer or an advocate of real progress. It took a divine genius to sweep the money changers from the temple and make His Father's house a house of prayer instead of a den of thieves, and it takes the divine in us to do that now. Man must be before he can do. Society can not be renovated by men who are not themselves renovated.

Now, I do not want to be misunderstood. I believe that the progressive movement in this country and in the world is, at heart, right. It is a political expression of a law of discontent which is essentially progressive; but there is much on the surface of it that is pretentious and emanates from the politician rather than the patriot. At heart I believe it to be right. The great law of heaven is the law of progress, but it is as silent and as noiseless as the melting of the night into the day. It is a growth. "First the blade, then the ear, and then the full corn in the ear."

But we come to times in the history of the world when there is necessarily great transition periods, just as the bud blossoms into the rose all in a moment. So in political history and in industrial history the growth is evidenced at times by transition periods. So we are to-day in a period of great transition and great change, and at the heart of it this change is right. At the center of it the heaven that is working is the heaven not alone of discontent, but the heaven of true advancement. But it does not come by profession; it does not come by noise; it is not spectacular. The label or brand the man may wear is not always reliable. "By their fruits ye shall know them."

The old Romans thought nothing short of an earthquake could ever disturb the great Roman palace, and yet the tiny weeds of an Italian summer insinuated their roots between the great blocks and rent the palace into a heap of ruins. The great forces of the universe are silent. They are as silent as they are mighty, and the law of progress, which is a law of God, is not accelerated by words but by lives and deeds of righteousness. Lincoln's vision was for the ages, for eternity. It was the brother man; it was love. And I want to take the bold ground, and I believe that within a generation after I have uttered the words it will be recognized within this great legislative body, that love is the foundation and the heart and the source of all real government for the people. And in spite of all remedies and all nostrums that may be advocated, we will never reach the true remedy until man shall invoke in the halls of National and State legislation the golden rule as his guide for legislation and conduct. [Applause.] Call it Utopian, call it a dream, call it what you will. The world has moved obedient to the dreams of great men heretofore and may do so yet.

When God does not give us the direct vision to see without dreams, He lets us see by dreams sometimes. He gave Solomon his mighty vision by a dream when a child, and when He appeared to him and asked him what He should give him he answered, not wealth, not power, not length of days, but clearness of vision to discern between good and evil, between right and wrong.

We would have less selfishness in leadership to-day if men would be governed by such visions. We are living in times of industrial unrest. I am in favor of this bill and in favor of this commission. It is all right. As I intimated on the floor a few minutes ago, communication is the pathway of civilization; information is the first step toward advancement. Man must know his fellow man. This is the first essential to real progress. But I tell you we will never reach the true secret until we recognize that the individual man must do the work within himself. Why, we have become blind; we are unable to-day to discriminate between wealth that comes from thrift and industry and virtue and all the qualities of great manhood, and wealth that is predatory and that comes from wrong and greed and crime. We do not seem to be able to discern between the two. We can not discern between combinations for economy and combinations for monopoly. We have failed to discern between right and wrong, and we are to-day in the midst of confusion.

I have thought it proper and have felt moved to say what I have said to-day because I believe that no Government for the people can very long endure unless we recognize the golden rule. I made a few remarks here once on law and lawbreakers, and when I got through a good friend of mine in the House, who, I guess, thought it was impracticable, as most people do, said,

"Why, you would found the Government on the decalogue." I said, "Yes; I would found it on the decalogue and on the Sermon on the Mount. I would found it on eternal righteousness." And I am willing to-day to lay down all personal and political ambition I have to follow the true leader in this country, whoever he may be, who is willing to face martyrdom and personal defeat that the Government may be permanently established on the Ten Commandments and the Sermon on the Mount. [Applause.]

You may boast as much as you will, and you may prate on this floor as much as you will about this theory and that theory, this party and that party, this leader and that leader, and yet away down at the heart of the American people they are asking for greater unselfishness. They are asking for human kindness and the bread of brotherhood.

I have not agreed with the leadership of organized labor on one or two bills here—important bills. I never can, as I view it now, stand for them. I believe they are based on coercive policies that are detrimental and injurious to the permanent welfare of labor, as well as subversive of good feeling between man and man. But I do believe that along the lines of the workingmen's compensation bill, and this bill, and other bills, such as those for shortening the hours of labor and the betterment of labor conditions and the recognition of greater value in labor, lies the true path of legislation; and I feel confident that out of legislation of this character will yet come better conditions, but with them will come that deeper law, written in the hearts of men, a law which forever says, "As ye would that men should do to you, do ye even so to them"—the golden rule.

I know that it is very popular to flatter the people. I have all faith and confidence in the people. But as I view history, the leverage of human advancement has been leadership largely. Lincoln had great and supreme confidence in the people, and yet with his vision, reaching far into the future and involving supposedly at that time his defeat, when he had that vision he appealed to whom? The people of the western prairies, to the men who broke the prairies and felled the forests and built the highways, the pioneers of the West.

And, thank God, there was found to be, in that great, plain mass of the people, a balance of good sense and patriotism which led them to give Lincoln the verdict. It is true they sent Douglas to the Senate then, but two years later they sent Lincoln to the White House and to immortal fame. The political destiny of the New World hung at that moment on the great, common, practical, useful people of the western prairies of Illinois. [Applause.]

But, mind you, it took the fire of an inspired soul to arouse the latent wisdom and patriotism of that great people. It took a man so closely united to his fellow men that what he said went to their hearts. This means the progress of a race and the progress of a world; that is what has given us the work of a Moses, a Paul, a Socrates, and the great men of history—the fact that they could appeal and did appeal to that which was best in their fellow men, and they found a response.

So, I say, that in our last resort we must depend upon the people. But I do not care anything about the cheap talk of the people being invincible. "Vox populi, vox Dei" is not true unless it be a godlike people who speak.

The advance of civilization has been the advance of the people as a whole, but it is by individual advancement that the whole advances. "Work out your own salvation" is the law. Our hope is with the people. Our strength as a Nation is in them. It is not in the Washingtons and the Lincolns and the great men. The mountain peaks rise above the common level, but the common level is of the same stuff. So there is in the common heart love and reverence for the Washingtons and Lincolns. That is what gives strength to this Republic—something of the Washington and Lincoln in us all. The meanest man is born to greatness. It is latent but is there. Society may be moved and governed by passion, and, for this reason, must be restrained by constitutions and laws. These are voluntary and necessary restraints which we all need and without which human governments fall. Stability is essential to progress. But leadership is a great lever of progress; not so much, perhaps, as in former times, because intelligence is more generally disseminated, but nevertheless the leader has his important work in our day and country.

There are three great obstacles to human progress—prejudice, greed, and cowardice. I do not know but you might resolve them all into one, and that is ignorance.

All progress finds its obstacle in ignorance. The crowning, sublime, and divine glory of the greatest Teacher who ever trod this earth of ours was that, nailed to the cross, crowned with thorns, and ready to yield his last mortal breath, He said, "Father, forgive them, for they know not what they do." But

if we were to subdivide this general cause which is ignorance and be specific, I should say that prejudice, greed, and cowardice are the great obstacles to progress. Prejudice! Why, we have to unlearn most of that we think we know in this world before we can start right. Our very learning is ignorance. There is an arrogance and a conceit in the learning of our day which does not tally with the condition of the mind of the child. The Great Teacher said, "Except ye become as little children, ye shall in no wise enter the kingdom of heaven"—that is to say, truth, the kingdom of real knowledge, the kingdom of real understanding. Humility is the path to greatness. Lincoln understood it, and the great martyrs who have gone to the stake and died for their fellow men knew that not in arrogance, not in conceit, but in humility was to be found the basis of great character and great manhood. The most learned are often the most ignorant and the last to enter the real kingdom.

We are prejudiced in a thousand ways. We do not know our fellow men. The Great Teacher ate with publicans and sinners that he might pour upon them the light of his healing gospel and lift them to a higher plane. We do not enter the shops and toil with the men at the forge and mill or help to bear their burdens. We have little concern for their suffering and their discouragements.

I rode on an elevated train in the city of New York one hot day a year ago, and I saw the little children sleeping out on the fire escapes, because they were almost dying of heat. I said to myself, I ought not to ask to have a dollar in the bank while such suffering exists among my fellow men.

Inasmuch as ye have done it unto one of the least of these ye have done it unto me.

We are absorbed in the means of living—the tools and outward appliances of life—more than the life itself. The very wealth of the country thus becomes its poverty. We can never get back of that wonderful parable that I cited once here on this floor, of the man whose ground brought forth so plentifully. Some one came to the Great Teacher and said:

Speak to my brother that he divide the inheritance.

But the Master said:

Who made me a divider of the inheritance?

One trouble with all our contention is that, after all, it is a contention for material things. It is a contention of the rich and it is a contention of the poor for the material things, for the meat that perishes and not for the bread of life by which the soul gains access to its eternal God.

Well, the Teacher said, "Who made me a divider over you?" "Beware of covetousness, for a man's life consisteth not in the abundance of the things he possesseth." Then he gave the parable of the rich man whose ground brought forth plentifully. He was an egotist. He had put God out of the universe. He said to his great lordly self, "Where shall I bestow all my fruits?" His barns were not large enough, and he said, "I will tear down my barns and build greater, and there will I bestow my fruits, and then I will say to my soul, take thine ease, eat, drink, and be merry, and so forth, for thou hast much goods laid up for many days." He was laying it up, you see, for himself for future days. To say this man was conceited hardly expresses it. "My ground, my fruit, and my barns. I will store up these fruits for my own future if others starve." Alas, he could not bring down a ray of sun nor a drop of dew or rain; he could not stay the early frost; he had not got it in his heart even probably to sufficiently pay the poor toilers who had helped to fill his barns in the midday sun. Thank God, his wealth was his poverty, and the poor man, who worked for less no doubt than he deserved, to fill this man's barns was the richer man of the two. He had a larger soul and faced the future with more hope than this human hog whose greed and avarice had brought him to such miserable poverty of soul. [Applause.]

And what was the judgment? "Thou fool, this day will I require thy soul of thee." Then, whose are these goods? In other words, as I interpret the parable, "Thou fool, I will have thy soul"; I will have kindness to thy fellow man; I will have love for thy fellow man; otherwise thou must die, because all thou hast to show for the years thou hast spent here is the ability to eat and drink. Thou art a fool, and thy soul shall be required of thee.

It is a lesson for the Nation. We have built here upon the foundation of wealth, and God will tear it down unless men are mindful that love is the soul of this great Republic of ours. [Applause.]

The *Titanic* was a monument to speed and luxury. It went down with all its precious freight, but those on board a ship passing a few days later saw one of the women from the steer-

age in the icy embrace of death holding up in her frozen arms the dead child she had sheltered to the last. One lesson of love is worth all the *Titanics* and all the warships you can build while a nation lives. [Applause.] One hero helping the mother and child, the aged and the crippled, into the lifeboat, and then going bravely and unselfishly down to death is worth all the mountains of our material wealth and all the millions God has given us in these days of plenty and prosperity. [Applause.] A monument to speed and luxury! I remember when I thumbed an old schoolbook as a little boy in a country school—and I never had an opportunity to get much further—I wrote some copy, or tried to write, but I think I must have written it mighty poor or but a few times, because I can not write any now—I wrote the proverb, "The more haste the less speed." Speed! We are confusing speed with progress. The more haste the less speed. Be content to work as God works. Then progress will be wholesome, sane, and sure. We worship human leaders. We must have a human idol, but the best of these idols fall shattered at our feet. We are learning not to enshrine our heroes till after they are dead. It is not safe to enshrine a hero until he is dead. While human leadership is essential, and the more unselfish the man the greater the leadership, yet we are learning that our destiny and the destiny of this great Republic do not depend on any particular leader. Thank God for it. Why, they quarreled in the olden time, in Paul's time, about leaders. These were of Paul and these were of Apollos.

And Paul rebuked it. He said, Paul may plant and Apollos water; but God giveth the increase. Do not forget that. The newly created wealth, the wealth born to-day, the wealth from soil and mine and sea is God's and God's alone, for the earth and the fullness thereof are His. There never was such fullness in any other land in the history of mankind as there is in this. There never was such a land of plenty, such a land where all true industry might find a just reward, if we but believed and had faith in our ability to so order it; a land of prosperity beyond the dreams of man. What is the trouble?

Years ago they wrote into the Declaration of Independence something about the inalienable rights to life, liberty, and the pursuit of happiness, and the Nation in its history has had its parallel really of those different stages. First, life. The Nation was born, born in revolution. Second, liberty. It was liberty that came out of thick darkness of civil conflict, from 1861 to 1865—life and liberty of a nation.

It was not until we had stricken off the manacles from the slave and emerged from the thick darkness of that mighty struggle that we began to think and study this third principle or stage of progress, the pursuit of happiness; and we are only now on the eve of that great era in which man is learning, thank God, slowly but nevertheless surely, that the pursuit of happiness is not the pursuit of wealth. It is the pursuit of an untroubled and unselfish and loving state of the human soul in which man is willing that his neighbor shall share in the prosperity and the bounties of God, in which he shares. That is the pursuit of happiness. Even now it begins to dawn anew on this Republic, and in spite of strife—party strife, industrial the common man, and will yet leaven all humanity. Our problem since the war has been the problem of production, but the pursuit of happiness now bids us stop and inquire whether distribution is right and just, whether we should not readjust our industrial system upon the basis of greater justice to the man who is down. [Applause.]

That is the question that concerns us all.

Mr. Chairman, I have spoken wholly offhand and somewhat disconnectedly, and I am very grateful for the patient attention of the House. I may ask to revise these remarks. Possibly I may have conveyed some erroneous impressions in what I have said; but I say this in conclusion, Utopian as it may seem, impractical and dreamy as it may seem, that this Nation was founded not alone on the idea of liberty, but the possibility of the individual soul, the infinite possibility of the individual. That is where the everlasting greatness of the great Teacher appears in the light of history, in that He realized the possibility of the individual soul, and in no land under God's blue sky, in no age, has civilization reached a better vision than we have in this country. Strife, social strife—the leaven of righteousness is working in imperfect, sadly imperfect yet, but the hope of the ages. In spite of all the unrest and turbulence upon the surface, at the center the Master speaks, and as the Master was called when the ship was in the storm to still the tempest, so all that is needed for good government here and now, whoever is President, for real and permanent prosperity, is the spirit of the Master which is forever saying, Do unto others as ye would that they should do unto you. [Applause.] Peace be still.

The verdict of the world has always been wrong. Cowardice has been in high places. Pilate sat on the throne, with truth

manacled and in chains before him, and a good, loyal, clear-visioned wife saw the danger and warned him. But no; Pilate did just what you and I do when we stop to count votes back in the district that we come from. He consulted the people. He worshiped numerical majorities, forgetting that one with God is a majority. He could not distinguish between that which is heaven born and potential—the inner soul of the people—and the passion and hate of the ignorant, and the world's humiliation and disgrace followed, because a coward sat on the bench, a coward who feared the people. Yes; he feared the people. He feared that which was worst in the people, not that which was best, but nevertheless he feared that in the people which was more at the surface, and the world's great Teacher went to the cross.

The world's verdict has always been wrong. I expect that in this House I am practically through, but I tell you one thing, that the brave and fearless men on either side this Chamber who follow the lamp of conscience without counting votes at home are the hope of all progressive legislation, whether the administration be Republican or Democratic. [Applause.] Only the man who will stand, if right demands it, against that which seems to be popular, and true as the needle to the pole follow duty's path, deserves a name in history. Better have one day here and speak the truth that God has given you than dwell here half a century to be the toy of every shifting and momentary passion of men. [Applause.]

The world's verdict has been wrong in every age. No great pioneer of truth has been received in his day. They have endured chains and dungeons, persecutions and, finally, death in defense of the truth, because the people of their day were not up to the leadership of the day. It will be so, but not always, I hope, for I have the feeling that here there will be such a universal predominance of good fellowship and brotherhood as to render it impossible that a great man shall be denied in his day. But the world's verdicts have been wrong.

I read somewhere the other day among some old papers that I fished out in my library a poem, which I wish I had, and if I had known I was going to speak to-day I would have brought it here. It is about the world's real victors. They are, after all, the vanquished. The world gave them no crown. He pictured the real hero as the man who meets defeat for the right. He "Sang the hymn of the conquered, who fell in the battle of life, the hymn of the wounded, who died overwhelmed in the strife."

It was written by a man by the name of Story; I think he was the son of Judge Story. He was an artist. He pays a tribute to the obscure hero, the man who is not dying and selling his soul for a little fame or wealth for to-day but who stands heroically in the path of duty, trusting God and his own better nature for his reward. [Applause.] I close with his last lines, worthy of more than a passing thought in these times of ours:

I stand on the field of defeat,
In the shadow, with those who are fallen and wounded and dying, and
there
Chant a requiem low, place my hand on their pain-knotted brows,
breathe a prayer,
Hold the hand that is helpless, and whisper, "They only the victory
win,
Who have fought the good fight, and have vanquished the demon that
tempts us within;
Who have held to their faith unswayed by the prize that the world
holds on high;
Who have dared for a high cause to suffer, resist, fight—if need be,
to die."
Speak, History! Who are Life's victors? Unroll thy long annals, and
say,
Are they those whom the world called the victors—who won the success
of a day?
The martyrs, or Nero? The Spartans who fell at Thermopyla's trust,
Or the Persians and Xerxes? His judges or Socrates? Pilate or
Christ?

[Loud applause.]

[Mr. KINKEAD of New Jersey addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from New Jersey [Mr. KINKEAD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request to extend his remarks in the RECORD?

There was no objection.

Mr. NYE. Mr. Chairman, I ask leave to revise and extend my remarks in the RECORD.

There was no objection.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may be allowed to extend my remarks in the RECORD.

There was no objection.

Mr. HUGHES of New Jersey. I ask unanimous consent to extend my remarks in the RECORD on the subject of the bill now before the committee.

There was no objection.

Mr. MANN. The gentleman from Pennsylvania [Mr. OLMSTED] would like permission to extend his remarks in the RECORD.

There was no objection.

Mr. SABATH. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

[Mr. SMALL addressed the committee. See Appendix.]

Mr. MOORE of Pennsylvania. Mr. Chairman, if I thought the creation of this industrial commission would be of advantage to a single laborer in the United States, apart from those who will be employed upon the commission, I would gladly vote for this bill; but as I view it, in the light of legislation already enacted and in view of the existence of a Bureau of Labor and the passage of a bill creating a Department of Labor, both of which are to do the work that this commission is now called upon to do, I regard the measure as expensive and unnecessary. I agree with the argument of the gentleman from North Carolina [Mr. SMALL], who has gone into this question thoroughly and from the viewpoint of a careful legislator and representative of the people. It is said that a commission of this kind will be able to give to the country information with regard to the causes of unrest. We know what the causes of unrest are. Every one of us has a sort of instinct that we understand what are the causes of unrest. The manufacturer knows, and the laborer and the farmer knows. What everyone interested wants to know is how a remedy may be provided for the causes of unrest that already exist. No remedy is suggested by the creation of this commission. The men to be appointed upon it shall have it in their power to send for books and papers, put witnesses on the stand, and, instead of allaying the unrest, foment it. The country has had enough investigations. The Democratic Party has deemed it wise to use the money of the people of the United States in a series of investigations into all sorts of questions. Now, upon the presumption that it is in the interest of labor, it is proposed to take \$500,000 of labor's money and spend it to obtain information that the country already possesses. I asked the gentleman from Pennsylvania [Mr. WILSON] awhile ago whether the commission would have any power, after it learned the causes of unrest, to enforce any recommendation it might make, and he answered "No," as he answered "No" with respect to the Department of Labor which was under discussion the other day. What, then, is the purpose of this commission? What good can it do? It will send for books and papers, and it will put witnesses upon the stand, and it will halt men who are doing business, it will call up the men in the mills and the men who are earning their wage and take their time telling of their troubles, which are now very generally understood.

Conditions in this country now, by reason of the various investigations already underway, are such that the business man is unable to tell just how to do business—and let me tell you I speak in the interest of the wage earner in the country, whether organized or unorganized, when I speak in behalf of the business man.

Labor is the creator of all wealth. That is true, but labor can create wealth in a shack, in a swamp, if labor wants to remain there. My estimate of labor is that it wants to get away from its separate environment and obtain some of the other benefits that come from association in life, and association means a combination of effort which ultimately leads to some one, labor leader or manufacturer, becoming the head of the concern. Now, then, if labor is to be profitably employed, business must have a show; the manufacturer must have a chance to give employment to labor, or the laborer, if he cares to leave his position as a laborer, may himself become an employer and give an opportunity to earn wages to those who desire the opportunity.

If we are to deal with this bill solely upon the ground that it might help us bring together the employer and the employee, let us see where this industrial commission leads. It is to have no power except to investigate and disturb existing conditions. It is to investigate and inquire into such labor troubles as exist. Is it to stop a strike that is causing unrest and taking the wage-earning power away from the workingman and stopping the wheels of industry? No; it has no such power; it is simply to tell of the unrest that results from such a condition. And, pray, what good is that to the man who wants the wage to pay for his daily bread? The gentleman from Pennsylvania [Mr. WILSON] says that after all this is a question of human nature. Then how are you going to regulate it by law or by

a commission? A strike is on. The employee contends that he has been unfairly treated by the superintendent of the employer. Where does this commission serve to bring together those who differ as to the treatment of the hands by the superintendent of the mill? The commission hears that a strike is on; it visits the locality at the expense of the laboring man; it sits there in dignity and sends for witnesses, has the books and papers presented, spends the time and money of the Government, to make its inquiry. Does it stop the strike; does it improve the conditions in the mill of which the workmen complain? Or let us take another case.

The men say that a wage of \$2.50 is not sufficient and they want \$3 a day. They strike to obtain the higher wage. Has this commission any power to enable them to obtain that higher wage? Will it give any assistance to those who are striving to better their financial condition? Why, the commission will simply tell what the world is full well advised upon. It does not have any power to change the wage conditions. The employer contends that he is paying all that the business will enable him to pay, and the employee says that the business is able to pay more than the wage that is paid. What are you going to do about it? Now, pray tell me wherein the industrial commission, costing the people \$500,000, will benefit either the employer or the employee to the extent of a single cent or will add in any particular to the bringing of those two elements together. I said if I thought this bill would benefit labor I would vote for it, but as I see it now it means only the creation of another commission that will add to rather than allay the unrest that prevails.

Mr. DONOHOE. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. DONOHOE. I was going to ask my friend and colleague whether he considers organized labor is working a benefit or an injury to the cause of labor.

Mr. MOORE of Pennsylvania. I consider organized labor a decided benefit to the labor of the country.

Mr. DONOHOE. What is the attitude of organized labor toward this measure?

Mr. MOORE of Pennsylvania. The attitude of organized labor, as explained by the gentleman from Pennsylvania [Mr. WILSON], is favorable to this measure, and I have asked the gentleman from Pennsylvania [Mr. WILSON] how many men are organized in this country out of the 30,000,000 wage earners, and the gentleman answers, what is the fact, that the total number of organized wage earners out of the 30,000,000 is 3,000,000.

Mr. DONOHOE. As those 3,000,000 are well versed in labor matters and doing good work in its cause, would not a measure advocated by them be beneficial to all labor?

Mr. MOORE of Pennsylvania. I will answer the gentleman by asking whether he is in favor of the creation of this commission by putting only the organized-labor men on and leaving the 27,000,000 other wage earners, including the farmers of the country, out of consideration?

Mr. DONOHOE. I believe that all labor is in favor of this measure.

Mr. MOORE of Pennsylvania. The gentleman understands that all labor whatsoever is in favor of this measure, and I am glad to have the gentleman come in under that standard.

It is not necessary to prolong a statement of this kind. Industrial commissions are not new in this country. We had an industrial commission created by the act of 1898, 14 years ago, that went over this country taking testimony, sending for persons, books, and papers, to find out the conditions that prevailed in regard to labor, agriculture, and immigration. We had as a result of their work 19 very profuse volumes of statistics, which no one, including the laboring men of this country, has ever read. We have had a commission on immigration and have spent a great deal of the money of the people endeavoring to find out whether we can improve the immigration conditions that prevail in the United States. Nearly a million of dollars was spent by that commission, with the result that we are now receiving volumes of testimony, statistics, and figures, upward of 40 in number, which, perhaps, will never be read by any individual in the United States save the proof reader. The question is whether labor is benefited by investigations and inquiries of this kind. If the real purpose of the gentlemen on the other side, particularly of my distinguished friend from Pennsylvania [Mr. WILSON], who so well represents organized labor upon this floor, is to bring the employer and employee together, it can be done better by some other measure than that which means from the time of the passage of this bill that inquisitors are again to go into the industrial establishments of the country and possibly widen the breach between capital and labor. [Applause.]

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask for the reading of the bill.

Mr. SLAYDEN. Mr. Chairman—

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. SLAYDEN. Mr. Chairman, I shall not abuse the patience of the House very long. Unfortunately I was out during a part of the time that my friend from New Jersey, Mr. KINKEAD, was making his impassioned appeal for his carnivorous constituency in New Jersey.

Mr. MANN. Will the gentleman be willing to yield, stating how much time he desires, in order that a request may be submitted to close debate on the bill? How much time does the gentleman want?

Mr. SLAYDEN. Not over three or four minutes, anyhow.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that all general debate on this bill close at the conclusion of the remarks of the gentleman from Texas [Mr. SLAYDEN]—not later than 10 minutes.

Mr. SLAYDEN. I shall not consume 10 minutes; but you can put it in that way if you so desire.

Mr. WILSON of Pennsylvania. Five minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent that general debate on this bill be closed at the expiration of the time of the gentleman from Texas [Mr. SLAYDEN]. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I heard just enough of the remarks of the gentleman from New Jersey to indicate that in an effort, earnest, honest, and commendable, to secure relief for his constituents from the high cost of living he has suggested that one of the important and principal products of that section of the country from which I come, that portion which I partly represent, shall be thrown open to the unrestricted competition of the world.

Now, Mr. Chairman, that seems to me an unfair application of the tariff laws and of the principle of assessing a customs tax. I stand for a reduction of all tariff laws to the lowest possible figure consistent with the raising of an adequate revenue for the support of an economically administered Government. But I am not willing that the people whom I represent should have their interests stricken down in behalf of any other section of the country.

Mr. CURLEY. Will the gentleman yield?

Mr. SLAYDEN. I have only five minutes. Wait until I get through, and if I have any more time I will yield to you. I am not willing that we should have to make the entire sacrifice in order to lower the cost of living. The people who produce cattle are just as important in this country as any other. The fact that there is a great trust, or a number of great trusts, known as the "Beef Trusts," which dominate this trade, is taken advantage of to try to create a prejudice against the cattle growers themselves. God knows the cattle growers would like to be exempt from the exactions of the Beef Trusts, and if the gentleman from New Jersey [Mr. KINKEAD] or any other Member can suggest any feasible and quick method of exterminating these trusts I will give him my word I will immediately enlist under his banner for that crusade.

Mr. KINKEAD of New Jersey. Mr. Chairman, may I ask my friend how much revenue the United States Government derives from the importation of beef?

Mr. SLAYDEN. Not a great deal, I suppose.

Mr. KINKEAD of New Jersey. Not a dollar, Mr. Chairman.

Mr. SLAYDEN. Not a great deal.

Mr. Chairman, the gentleman read some figures from some publication, I believe, of the Department of Agriculture, to show that there was no scarcity of beef cattle in this country.

Mr. KINKEAD of New Jersey. Oh, no, Mr. Chairman, if the gentleman will allow me. My statement proved that something like 574,000,000 pounds of beef and 1,053,000,000 pounds of pork were exported from this country abroad, and my conclusion would have been, if I had been permitted to conclude, that the way to abolish the Beef Trust, assuming that it is acting in good faith with the Department of Justice to-day, I having been assured by Mr. Wickersham that before the 1st day of August the trusts will submit to him a plan resolving themselves into their constituent companies—I say to my friend from Texas that if they are "on the level" in this thing, if they are square—and I am going to assume that they are square until I have more than a mere suspicion in my soul to the contrary—I will say to him that if this dissolution occurs, then the only way on earth to put down to his people and to my people beefsteaks at an honest and a reasonable figure is to take the duty off of every pound of beef that comes

into this country, whether from Mexico, or Canada, or Argentina, or Australia.

Mr. SLAYDEN. Mr. Chairman, I suppose that is the conclusion that the gentleman did not get a chance to make in his own speech. [Laughter.]

Mr. KINKEAD of New Jersey. Well, I yielded to the gentleman.

Mr. SLAYDEN. And I yielded to the gentleman, too.

I repeat, Mr. Chairman, that the people whom I represent ought not to be made the victims of the wide and violent hostility toward the trusts. Again I say to the gentleman that I am ready to do all that I can in cooperation with him and others in the suppression of the trusts.

Mr. KINKEAD of New Jersey. If the gentleman will permit me, Mr. Chairman, I stated to him, and I thought he understood me, and said it as loudly as my poor lungs would allow, that I was glad that in Fort Worth on the 18th day of May they sold cattle for 9½ or 9¼ cents a pound. I am glad of that, very glad of that; and they can continue to sell their cattle at 9½ cents a pound, and I hope that that is a fair return on their investment. But I say to my friend from Texas—and I believe he will bear me out in this, representing, as he does, a cattle-raising community—that if he finds that the farmers are able to raise the cattle that they sell for 9½ cents a pound for 5 or 6 cents a pound, they occupy the same position toward the American consumer, the same unjust, indefensible position, that I claim the Beef Trust occupies to-day. We are content to give them an honest profit on their production, and glad to see them get it; but I do not think that the gentleman from Texas or any other man in this House, representing a cattle-raising community, should ask that they receive an unjust price for the cattle which they raise, an unfair price, and a dishonest price.

Mr. SLAYDEN. Mr. Chairman, I do not think—

Mr. LONGWORTH. Mr. Chairman, I trust that the gentleman from Texas will be able to give a categorical answer to that question. [Laughter.]

Mr. SLAYDEN. I do not think that the cattle raisers of Texas have ever received, or expect to receive, an unfair price in the markets. They are compelled to sell the bulk of their cattle to the trusts. The gentleman from New Jersey [Mr. KINKEAD] says the trusts have the power to fix the price that they pay to the cattle raiser. I contend that if they have the power that they are alleged to have, they will never fix a price that is too liberal.

I believe that the high price obtained for cattle from the ranges is due to the scarcity of cattle. I am assured of that fact by gentlemen who are engaged in the business, by men who live in the vicinity where the cattle are raised, and by gentlemen who are only interested in the prosperity of their neighbors, that there is now a scarcity of cattle on the plains of Texas and New Mexico and Colorado.

What the supply may be in other sections of the country I do not know. I am not myself a producer of cattle, but I do know that, taking it one year with another, good seasons and bad seasons, taking it on the average, the cattle producers have not had an unfair profit, have not had a too liberal return for their investment.

Mr. KINKEAD of New Jersey. Will the gentleman yield at that point?

Mr. SLAYDEN. Yes.

Mr. KINKEAD of New Jersey. In the month of May there was exported from the harbor of New York 25,000,000 pounds of beef. Now, I say to the gentleman that I believe there is a scarcity of cattle in Texas, Colorado, and Montana, due to conditions of which he and I are aware. They are no longer able to range their cattle on land that belongs to the Government.

Mr. SLAYDEN. Unfenced and free.

Mr. KINKEAD of New Jersey. Unfenced and free, as the gentleman rightly says; and he knows that the cost of feeding cattle is greater to-day than it ever was before. But I will say to my friend that the condition that confronts his people and the people of Colorado and Montana is the direct result of the operations of the Beef Trust, that he and I know controls the price in the market.

Mr. SLAYDEN. I think the gentleman is, to some extent, mistaken. The fact that we no longer have a free range accounts for the increased cost of producing cattle.

Mr. WILSON of Pennsylvania. I should like to ask the Chairman if those five minutes are not about up.

Mr. SLAYDEN. Just one sentence, Mr. Chairman. I want to set my friend from New Jersey right in one particular. The cost of raising cattle has enormously increased. The trust is not responsible for the fact that these Western States have settled up and that land is higher, and that the interest on the

investment is greater. It is because people have gone in there. They raise too many people in New Jersey, and they have gone out west.

Mr. KINKEAD of New Jersey. There can not be too many people raised in New Jersey, because they are a blessing to the rest of the world wherever they go; but I agree with the gentleman as to his other proposition in the main.

Mr. WILSON of Pennsylvania. I call for the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That a commission is hereby created to be called the Commission on Industrial Relations. Said commission shall be composed of nine persons, to be appointed by the President of the United States, not less than two of whom shall be employers of labor and not less than two of whom shall be representatives of organized labor. The Department of Commerce and Labor is authorized to cooperate with said commission in any manner and to whatever extent the Secretary of Commerce and Labor may approve.

The following committee amendment was read:

Page 1, line 6, after the word "States," insert the words "by and with the advice and consent of the Senate."

The amendment was agreed to.

The following committee amendment was read:

Page 1, line 7, strike out the word "two" and insert in lieu thereof the word "three."

Mr. CANNON. Mr. Chairman, I want to be heard a moment touching that amendment. I am inclined to think that the bill as introduced was to be preferred, rather than the bill as proposed to be amended by this amendment. It is as follows:

Said commission shall be composed of nine persons to be appointed by the President of the United States, not less than two of whom—

Is the original bill—

shall be employers of labor, and not less than two of whom shall be representatives of organized labor.

As proposed to be amended the bill provides that not less than three of them shall be employers of labor, and not less than three of them representatives of organized labor. That leaves three others for the President to appoint not employers and not of organized labor. Who he would appoint I do not know. But after all is said and done, 3,000,000 people in organized labor and less than 1,000,000 employers, making 4,000,000 out of 95,000,000, are to be represented by the six men in these two classes of three each if the committee amendment is agreed to. Organized labor and employers represent only 4,000,000 people out of 95,000,000. There are many laborers besides those in organized labor, American citizens, people in all kinds of production. Now, certainly they have some right to representation. I do not see that 4,000,000 people ought to have two-thirds of the membership of this commission. Therefore, it seems to me that the bill had better stand as it was originally introduced. After all is said and done, no man lives to himself. I have always stood indorsing organized labor. I have always said that if I lived in the sweat of my face, under existing conditions I would agree with my fellows in making a contract. Perhaps an equally advantageous contract could not be made if they would go singly. I doubt if it could be made with profit and safety and justice through the single individual, as he would go to make his contract alone.

But after all, labor that is not organized labor, labor on the farm, labor in clerical positions, labor in jobbing houses, labor in retail establishments, labor everywhere is just as honorable as if it were organized and entitled to just as much right to be represented on this commission as others have.

Every man has the right as long as he obeys the law to do what he pleases. A good many of us would be in a bad fix if we did not have that right. A man has the right to be a bear if he wants to be as long as he obeys the law.

Now, I doubt the wisdom of taxing 95,000,000 people for this commission unless it will perform a real service. I sometimes think we are running commission mad. I recollect the other industrial commission which resulted in the publication of 19 volumes, and there is a wonderful lot of essays in the 19 volumes. I have examined it. I doubt if I call up, however, one by one the gentlemen of this House and ask them to state truthfully—I doubt if there is a majority in this House that knows that there was any commission of that kind; and I doubt if there is a small minority that ever read any considerable portion of that report. It is a wonderfully able report.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of his colleague be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. If this commission is to be a useful commission it should represent fairly well the American people. Now, I have no complaint against the three commissioners of employers, in the event that this commission is adopted, and three from the organized labor; they would probably be wise men. I have never occupied any time in this House attacking the employers, a million of them. They serve a useful purpose. Under the changed conditions of production there have got to be employers, and they are really employees of those they employ. We are all employees in the broad sense. We are employees of the whole people. The lawyers are the employees of their clients, and so on. At the same time employers are employees. Now, I am not going to call them Gradgrinds. I am not going to abuse them for organizing trusts unless they are found guilty. I believe in the Sherman Antitrust Act, and I believe in the enforcement of the law against trusts. I voted for the Sherman Antitrust Act and stand ready to vote for apt and proper amendments to it. But let us have a commission one less employer and one less of organized labor, as the gentleman who introduced this bill, Mr. HUGHES, proposed when he introduced it. That will give four, and it will give six for the 90,000,000 people who are not in a technical sense employers and are not in organized labor.

Therefore, for one, I shall not vote for this committee amendment.

So far as the employees are concerned, the best expression of the employees' desires and sentiments and wishes is found where those employed associate themselves together in the form of an organization or trades-union. If the employees are to be represented on that commission, then the representatives should come from that best expression of the employees, organized labor. Hence I believe that this should be amended to be three instead of two.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. CANNON) there were 81 ayes and 11 noes.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 1, line 8, strike out the word "two" and insert in lieu thereof the word "three."

Mr. WILSON of Pennsylvania. Mr. Chairman, there are two distinct reasons why this was made three members all round. There are three recognized elements in society so far as it affects industries in the different lines. The employee, the employer, and the public at large. Now, it is fit, if a commission is to be appointed to investigate the industrial situation, that each of these elements should be equally represented on that commission.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read section 2.

The Clerk read section 2, as follows:

SEC. 2. That the members of this commission shall be paid actual traveling and other necessary expenses and in addition a compensation of \$10 per diem while actually engaged on the work of the commission and while going to or returning from such work. The commission is authorized as a whole, or by subcommittees of the commission, duly appointed, to hold sittings and public hearings anywhere in the United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses and to compel testimony, and to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which such commission is created, and to authorize its members or its employees to travel in or outside the United States on the business of the commission.

The Clerk read the following committee amendment:

After the word "created," in line 15, page 2, insert "and to rent such offices, to purchase such books, stationery, and other supplies as may be necessary to carry out the purposes for which such commission is created."

Mr. MANN. Mr. Chairman, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Page 2, line 16, after the word "supplies," insert a comma and the following: "and to have such printing and binding done."

Mr. WILSON of Pennsylvania. Mr. Chairman, I have no objection to that amendment.

The question was taken, and the amendment to the amendment was agreed to.

Mr. COOPER. Does that amendment proposed by the gentleman from Illinois cover printing of testimony? It is to cover such printing as may be necessary for the purposes of the commission, but the commission is not authorized to have the printing of the testimony done.

Mr. WILSON of Pennsylvania. In my judgment it would cover the entire printing of the hearings.

Mr. MANN. I have no doubt it would.

Mr. WILSON of Pennsylvania. It is the language used when committees are authorized to have printing and binding done.

Mr. COOPER. I did not know but that it was worded so that it would not permit the testimony to be printed.

Mr. CANNON. Mr. Chairman, this is a pretty broad authority that this commission is given, to investigate in the United States or anywhere in the world. With that statement I desire to call attention to the committee amendment:

And to rent such offices, to purchase such books, stationery, and other supplies, as may be necessary to carry out the purposes for which such commission is created.

It will have authority to rent offices in Washington, offices in New York, offices in San Francisco, offices in London, or elsewhere. It is a pretty broad provision. It is true that there are only \$100,000, as I understand it, that are to be appropriated for the first year, but \$500,000 is contemplated before the work is finished, and if this commission carries on as broad an investigation as they are authorized to do, \$500,000 will be but a drop in the bucket. I would be glad to know whether or not it is contemplated to have offices in foreign countries. However, I suppose no gentleman could answer that question because we do not know who will be on the commission. Is it supposed to be probable or possible that offices in foreign countries will be rented?

Mr. WILSON of Pennsylvania. Mr. Chairman, it is not contemplated that offices shall be secured in foreign countries. It is contemplated that offices might be secured in the city of Washington, and also that there might possibly arise occasions, when it is necessary to have hearings elsewhere than in the District of Columbia, where it would be necessary to rent rooms in which to hold hearings. Beyond that there was nothing contemplated.

Mr. CANNON. But my friend and myself both before this commission performs may be with the angels. Nobody can say what this commission will do. I call attention to the fact that it can rent offices anywhere, and it is expressly authorized so to do. I call attention to the query of whether it is not wise to limit the power to rent offices.

The CHAIRMAN. The question is on the adoption of the amendment as amended.

The question was taken, and the amendment was agreed to.

Mr. SMALL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 19, strike out the words "or outside."

Mr. SMALL. Mr. Chairman, the language of the bill is as follows:

And to authorize its members or its employees to travel in or outside the United States on the business of the commission.

The amendment that I offer is to strike out the words "or outside," which will simply authorize members or employees to travel in the United States. The purpose of the amendment is this: If they send members or employees into foreign countries, it will of necessity be for the purpose of obtaining information. They will have no authority to compel the attendance of witnesses, nor will any purpose be subserved by sending members or employees to other countries except to get such information as has already been collated and published in such countries, and all such information already obtained in other countries will be accessible to this commission by correspondence or by application or in some other way. I think this bill ought not to contain any provision which will give color to any junket trip on the part of its members or employees, unless some essential and necessary benefit can be secured by it. It will involve large expense, encroach upon the appropriation which is made for the use of this commission, and I think the words "or outside" ought to be stricken out, so that the commission, so far as traveling is concerned, will be limited to the United States, leaving still open to them the opportunity of obtaining such information as is accessible in other countries, which can be obtained in other ways, instead of sending its members or employees to such countries.

Mr. WILSON of Pennsylvania. Mr. Chairman, it seems to me that to strike out the words proposed to be stricken out would cripple to a considerable extent the commission and the work which it is proposed to have it undertake. All of the information that is available or that might be available in foreign countries is not available in such form as that it can be reached through correspondence. If you strike that provision from the bill, then neither a member of the commission nor any of its employees can be sent into any foreign country for the purpose of getting information which might be valuable for us in ar-

iving at a determination of the best methods of handling our industrial situation. We ought to have the very best that the world affords, and in order that we may have the best that the world affords this commission or such of its members as it may deem necessary or its employees ought to have the privilege of going to other countries to investigate the industrial situation as they find it there, with a view of securing the best that may be secured, and with the further purpose of avoiding mistakes which other countries may have made. I hope the amendment will not be agreed to.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That said commission may report to the Congress its findings and recommendations from time to time, and shall make a final report not later than three years after the date of the approval of this act, at which time the term of this commission shall expire, unless it shall previously have made final report, and in the latter case the term of the commission shall expire with the making of its final report; and the commission shall make at least one report to the Congress within the first year of its appointment and a second report within the second year of its appointment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 23, after the words "later than," strike out "three years" and insert "one year."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment contemplates closing up the work of the commission within one year. The chairman of the committee, the gentleman from Pennsylvania [Mr. WILSON], has indicated that he intends to ask for only \$100,000 in order to do the work during the first year. My contention is that the work of the commission can very well be completed within one year and we ought to save the remaining \$400,000 of the people's money.

Mr. WILSON of Pennsylvania. Mr. Chairman, in my judgment, the work proposed by this bill could not be accomplished and completed within one year; in fact, it will hurry any commission to complete the work in three years and complete it properly. I hope that the amendment will not be adopted.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 23, page 2, by inserting, after the word "report," the following: "And said final report shall be accompanied by the testimony taken and the proceedings had by the commission or any subcommittee thereof."

Mr. RAKER. Mr. Chairman, I want to call the attention of the chairman of the committee to the fact that the purpose of this is to avoid any question, and that all the testimony had by the commission, as well as any subcommittee of the commission, should be made a part of the official report, so that Congress and those interested may have the full testimony, so as to judge themselves as to the conclusions reported, and I believe it will have a good effect to give the commission authority to have all this testimony printed, and that the proceedings should accompany the final report. That is what the proposition is.

Mr. WILSON of Pennsylvania. Mr. Chairman, it seems to me that any amendment such as that instead of making it obligatory upon the commission to submit the hearings with its report if it becomes obligatory upon the commission to print the hearings that is all that should be asked. There is no necessity for its accompanying the report. As a matter of fact, it would be very much more valuable if the hearings were printed from time to time, and made available as printed, instead of waiting until the report was made.

Mr. RAKER. That is the very purpose of the amendment—to have it appear at some place that all the testimony and proceedings had should be printed, and when the final report is made in the meantime all the testimony may be had, so that anyone might go over the report and the conclusions and determine whether or not they have been properly drawn from the testimony.

Mr. WILSON of Pennsylvania. I hope the amendment in the form in which it is presented will not be agreed to, and that later on an amendment may be agreed to that will authorize the printing of the hearings from time to time.

Mr. COOPER. Mr. Chairman, I will detain the committee but a moment. Permit me to suggest an amendment to the gentleman from Pennsylvania which I think will meet with his approval, or rather two amendments. In line 22, page 2, after the word "recommendations," insert the words "and submit the testimony taken," so that the sentence will read: "That said commission may report to the Congress its findings and recommendations and submit the testimony taken from time to time."

And in line 23, after the word "report," add the words "accompanied by the testimony not previously submitted," so that there will be definite times fixed when the commission must report the testimony, otherwise you will have nothing requiring the testimony to be reported. These amendments are in accordance with my suggestions early in the debate.

Mr. WILSON of Pennsylvania. Mr. Chairman, I think the amendment suggested by the gentleman from Wisconsin very much more acceptable than the one offered by the gentleman from California.

Mr. RAKER. Mr. Chairman, I would accept the amendment; it is simply in different language, but it is intended to cover the same thing. I have no objection to the amendment offered by the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment in lieu of the amendment offered by the gentleman from California, which the Clerk will report.

The Clerk read as follows:

Line 22, page 2, after the word "recommendations," insert the words "and submit the testimony taken."

The question was taken, and the amendment was agreed to.

Mr. COOPER. Mr. Chairman, I offer another amendment to follow the next line.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 23, on page 2, after the word "report," insert the words "accompanied by the testimony not previously submitted."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the commission shall inquire into the general condition of labor, especially in the principal industries of the United States, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; and into the scope, and methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness. The commission shall seek to discover and to point out the underlying causes of dissatisfaction in the industrial situation.

The CHAIRMAN. The Clerk will report the committee amendments to page 3 of the bill.

The Clerk read as follows:

Page 3, line 7, strike out the comma after the word "labor" and the word "especially" immediately following the comma.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 20, strike out the word "and" at the end of the line.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 21, strike out the word "and" following the word "scope."

The amendment was agreed to.

The Clerk read as follows:

Page 3, lines 23 and 24, strike out the words "And to point out."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 25, insert the following after the word "situation": "And report its conclusions thereon."

The amendment was agreed to.

Mr. SMALL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 8, amend by adding after the words "United States" the words "including agriculture."

Mr. WILSON of Pennsylvania. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURLEY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, line 20, by inserting after the word "negotiations" the words "and compulsory methods."

Mr. CURLEY. Mr. Chairman, in presenting this amendment providing for investigation of compulsory methods of settling labor disputes, as set forth in H. R. 21094, being a bill to create a commission on industrial relations, I desire to say that the

methods of settling strikes and labor disputes by peaceful and conciliatory mediation and negotiation have not proven the success that it was generally hoped for. We have had some very severe strikes in our own State of Massachusetts, where, probably, there is in operation to-day one of the most successful boards of arbitration and conciliation that is to be found anywhere in the entire country. We have a strike situation at New Bedford, in Massachusetts, where 14,000 operatives went on a strike on Monday last against conditions obtaining in the textile industries. The State board of conciliation and arbitration endeavored by every lawful and peaceful method to avoid that labor dispute.

And what is true of Massachusetts is likewise true of nearly every other section of the country. I realize that the majority of leading labor leaders are opposed to the proposition of compulsory settlement of labor disputes and that many of the leading capitalists are likewise opposed to the settlement of disputes by compulsory methods. But, Mr. Chairman, the facts remain that after bad blood has been engendered in consequence of a labor dispute and they strike, the participants are not ones who are likely to lie down together and settle their differences. And if one insists on his right to refrain from being a party to the settlement of those differences, then the State itself should have sufficient power to insist on a reasonable and equitable adjustment that they must accept.

From 1881 to 1905 there were 36,757 strikes in the United States of America. From 1881 to 1900, 330,500 employees were thrown out of employment by strikes or lockouts. Now, then, Mr. Chairman, as to what it represents to the State, as well as to invested capital, it has been proven that voluntary conciliation and arbitration between disputants—the employer and employee—have been an absolute failure.

Now, if this commission proposes to expend a sum of money to investigate this proposition, I believe they should go to the root of it and consider the feasibility of recommending and investigating the question of compulsory arbitration.

One of the best works written upon this particular proposition is written by Henry Demarest Lloyd, who deals with the situation in New Zealand, a country without strikes, although a very small country. But, nevertheless, it is a country in which it was necessary to adopt legislation providing for the compulsory settlement of disputes in consequence of a water-front strike.

The following is a list of some of the strikes in this country:

Massachusetts railroad strike, 1834: Riots, militia called out to suppress the disturbance.
Philadelphia weavers, 1842: Very disorderly.
Philadelphia brickmakers, 1843: Much rioting and destruction of property.
Great railroad strike, 1877: Rioting and burning, troops overpowered by mobs, 12 men killed at Baltimore and many more at Pittsburgh, millions of property destroyed.
Gould railroad strike, 1886: Violence and destruction.
New York street car strike, 1889: Riotous conduct, one striker shot.
Buffalo strike, 1892: Riots, troops, bloodshed, entire State militia called out.
Homestead strike, 1892: Riots, Pinkerton's battle, many lives lost; much property destroyed, 40 nonunion men poisoned at their meals.
Coal Creek Valley miners' strike, Tennessee, 1892: Fighting and burning, State troops called out.
Silk workers' strike, Paterson, N. J., 1894: Rioting and mob violence.
Great coal miners' strike in 11 States and 1 Territory, 1894: Whole counties terrorized, strikers entrenched in open insurrection, much property destroyed, troops powerless to preserve order, shooting, eviction, dynamite assassination, kidnaping, torture, pitched battles, many lives lost.
Chicago strike, 1894: Mobs, riots, troops, loss of life and property.
Brooklyn street car strike, 1895: Rioting and destruction.
Philadelphia street car strike, 1895: Some disturbance and destruction.

Justice demands that this incessant warfare between capital and labor cease, since its continuance is more destructive to society than the individuals involved.

The right to compulsorily arbitrate existing differences is evidenced in our courts every day where civil and criminal cases are heard and the machinery of the law constantly invoked to enforce the degrees of our courts.

It is contended by those who oppose compulsory arbitration of industrial disputes that the findings of a board of conciliation and arbitration with the power to enforce its findings might prove a severe hardship to one or the other of the interested parties despite the fact capital and labor would enjoy equal representation upon the board, whereas neither is represented specifically at court, yet the mandates of the tribunal are respected and obeyed.

When nations differ to-day it is customary to submit for adjudication the question involved to The Hague tribunal rather than indulge in strife; then where is the justice or logic in permitting differences between employer and employee to be settled in the primitive and abhorrent method which now obtains?

In 15 years, from 1881 to 1896, the Commissioner of Labor estimated that the wage loss through strikes and lockouts was \$51,814,000 and the employers' losses \$30,701,000.

Consider the sufferings and hardships entailed by this huge loss, realize that conditions are not growing more Utopian, and appreciate the necessity and value of this amendment.

The spirit of the times is for cooperation, and the necessity for labor and capital to be upon most friendly terms must be apparent to every man.

Labor is necessary to capital, and capital is necessary to labor; and the law should have the right in the interest of society, when one is treating the other unjustly, to establish the line of demarcation.

The failure of voluntary arbitration in the United States is attested by the fact that between 1881 and 1905 but one and six-tenths of 1 per cent of labor disputes were settled by this method.

The primary purpose of the New Zealand conciliation and arbitration act was to promote industrial peace by the substitution of orderly hearings by impartial State tribunals rather than by the violent and brutal methods common to strikes and lockouts.

Since the adoption of compulsory arbitration in New Zealand there have been no strikes, sweatshops have been abolished, wages increased, and peace, happiness, and prosperity general in the country.

It has been demonstrated that victory by either side is not proof that the side which loses in a strike was wrong or that the side which won was right, but that capital has rights, as has labor, which must be conserved for the good of all.

The custom now common of discharging men in anticipation of their intention to organize or seek redress upon any proposition has been prevented by the New Zealand act, which grants the aggrieved parties the right within six weeks after the strike or lockout to appeal to the court, get full consideration and redress, and the court can stop the strike which it was denied the chance to prevent.

Thus, compulsion assures peace and liberty, freedom to work, to contract, and to live happily in the enjoyment of the fruits of honest capital and honest industry.

The Massachusetts State Board of Arbitration in 1896 settled 16 out of 29 cases, and if they possessed compulsory powers they would have unquestionably settled every case presented.

The primary purpose of government is the promotion of peace and happiness, and the righting of any economic wrong by peaceful methods should be within the power of the Government.

Mr. WILSON of Pennsylvania. Mr. Chairman, the gentleman from Massachusetts [Mr. CURLEY] and I can not agree on the idea of compulsory arbitration. Many of us, in fact most of us, are perfectly willing that compulsion should be used, provided that it is used on the other fellow and that we are the beneficiaries of it.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to close debate on this section and all pending amendments thereto.

Mr. WILSON of Pennsylvania. Mr. Chairman, the gentleman can not take me off the floor by a motion to close debate in that way.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] will continue.

Mr. WILSON of Pennsylvania. I simply want to call attention to the fact that this section provides for the investigation of all methods, including compulsory arbitration, so that the gentleman's amendment is unnecessary.

Mr. CURLEY. Where is that contained?

Mr. WILSON of Pennsylvania. That is in this language:

Into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts [Mr. CURLEY].

The question was taken, and the amendment was rejected.

Mr. ESCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ESCH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add, at the end of section 4, the following:

"And furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer."

Mr. ESCH. Mr. Chairman, when State legislatures are asked to pass laws in the interest of labor, liberalizing trade

conditions, objection is at once raised that such legislation would handicap the manufacturers of that State to such an extent that it would injure their business and give it to manufacturers of an adjoining State. The argument is always made that the equality of competitive conditions would thereby be destroyed. The only way to obviate that would be by uniform legislation in the States. I believe that this commission, for which we are appropriating so much money, should give to the country the utmost that it possibly can. We ought to get the most out of it that we possibly can. This amendment is not new matter. It is taken verbatim from the act of June 18, 1898, which created the Industrial Commission.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. ESCH. Yes.

Mr. MANN. Is there any other case where Congress has appointed a commission to formulate laws to be passed by the respective States?

Mr. ESCH. This is only a suggestion.

Mr. MANN. Have we ever before appointed a commission to suggest laws to be passed by the different States?

Mr. ESCH. I know of no other instance except the act creating the Industrial Commission, and it seems to me great good would be accomplished if this amendment were incorporated in the bill.

Mr. WILSON of Pennsylvania. Mr. Chairman, it is practically impossible for any report of any Federal commission to be foisted upon any State as a basis for State legislation. The State exercises its own judgment.

I move, Mr. Chairman, that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] moves that all debate on this section and pending amendments thereto be now closed.

Mr. RODDENBERRY. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERRY. The point of order is that the gentleman from Pennsylvania, out of the time of the gentleman who offered an amendment, can not rise and obtain the floor and discuss the amendment, and then submit a motion to close debate and have it considered.

The CHAIRMAN. The Chair recognized the gentleman from Pennsylvania.

Mr. RODDENBERRY. I hope I can be recognized.

The CHAIRMAN. After this amendment is disposed of the gentleman can be recognized.

Mr. RODDENBERRY. Is not the motion to close debate?

The CHAIRMAN. After this amendment is disposed of the motion to close debate will be in order.

Mr. HUGHES of New Jersey. No; only to close debate on this paragraph and all amendments thereto.

Mr. CANNON. This amendment ought to be disposed of before that.

Mr. RODDENBERRY. Mr. Chairman, I make the point of order that it is not in order to present the motion of the gentleman from Pennsylvania to close debate at the same time that the committee is going on to vote on a pending amendment. I ask recognition for the purpose of offering an amendment.

Mr. WILSON of Pennsylvania. May I ask how many amendments are expected to be proposed?

Mr. RODDENBERRY. I have one amendment.

Mr. HOBSON. I have an amendment which I am willing to submit without discussion.

The CHAIRMAN. The Chair agreed to recognize the gentleman from Georgia [Mr. RODDENBERRY] to offer his amendment after the disposition of the amendment offered by the gentleman from Wisconsin [Mr. ESCH]. The question now is on the amendment offered by the gentleman from Wisconsin.

Mr. FOSTER. There is a motion pending offered by the gentleman from Pennsylvania [Mr. WILSON] to close debate on this amendment and all amendments to this section.

Mr. MANN. I call the attention of the Chair to the rule of the House, paragraph 6 of Rule XXIII:

The committee may, by the vote of a majority of the Members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. WILSON] to close all debate on this section—

Mr. HUGHES of New Jersey. And all amendments thereto.

The CHAIRMAN. And all amendments thereto.

The question being taken, on a division (demanded by Mr. RODDENBERRY) there were—ayes 56, noes 14.

Mr. RODDENBERY. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and six Members, a quorum of the committee. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Esch].

The question being taken, the amendment was rejected.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which the chairman of the Committee on Labor accepts.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

On page 3, in line 12, after the semicolon following the word "therewith," add the following:
"Into the conditions of sanitation and safety of employees, and the provisions for protecting the life, limbs, and health of the employees."

The amendment was agreed to.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 4, page 3, by inserting after the word "employees," in line 12, the following:

"To inquire into the effect on employer and employee of the importation and immigration of pauper labor from foreign countries, and especially the extent and effect of such importation and immigration since the report of the late immigration commission."

Mr. RODDENBERY. Mr. Chairman—

The CHAIRMAN. No debate is in order.

Mr. RODDENBERY. I desire to submit a request.

Mr. MANN. I make the point of order that the gentleman has not offered his amendment at a place where there is any such word in the line. The Clerk read it—after the word "employees," in line 12.

There is no such word in line 12.

The CHAIRMAN. There is no word "employee" in line 12.

Mr. RODDENBERY. It should be line 10.

The CHAIRMAN. The gentleman from Georgia says it should be line 10 instead of line 12.

Mr. RODDENBERY. Mr. Chairman, I desire to address myself to the subject of this amendment for five minutes, and I ask unanimous consent for that opportunity.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. WILSON of Pennsylvania and other Members. Regular order!

The CHAIRMAN. Objection is made.

Mr. HARDWICK. Who made the objection?

The CHAIRMAN. Several Members called for the regular order.

Mr. HARDWICK. No one stood up and objected.

The CHAIRMAN. The Chair will again submit the request. The gentleman from Georgia [Mr. RODDENBERY] asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. WILSON of Pennsylvania. I demand the regular order.

The CHAIRMAN. The gentleman from Pennsylvania objects. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 4, add a new section, section 5, as follows:

"Sec. 5. That a sum sufficient to carry out the provisions of this act, not to exceed \$500,000, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated."

Mr. WILSON of Pennsylvania. Mr. Chairman, by direction of the committee, I offer the following substitute for the committee amendment.

The Clerk read as follows:

Sec. 5. That the sum of \$100,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission for the fiscal year ending June 30, 1913: *Provided*, That no portion of this money shall be paid except upon the order of said commission signed by the chairman thereof.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment to the substitute.

The Clerk read as follows:

Add to the substitute: "*Provided*, That no person employed hereunder by the commission shall be paid compensation at a rate in excess of \$3,000 per annum."

Mr. WILSON of Pennsylvania. I have no objection to that.

The amendment to the substitute was agreed to.

The CHAIRMAN. The question now is on the adoption of the substitute as amended.

The substitute as amended was agreed to.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move that the committee do now rise and report the bill with the several amendments to the House, with the recommendation that the amendments be agreed to, and that the bill do pass.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. SULZER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21094) to create a commission on industrial relations, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

Mr. RODDENBERY. Mr. Speaker, I demand a separate vote on each amendment.

Mr. HEFLIN. I make the point of order, Mr. Speaker, that the Chair submitted the question if there was a separate vote demanded on any amendment and none was made, and that the Chair was about to put the question in gross. The gentleman from Georgia is too late.

The SPEAKER. Oh, no.

Mr. RODDENBERY. I withdraw the demand, Mr. Speaker.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. RODDENBERY. Mr. Speaker, I offer the following motion to recommit with instructions.

Mr. FOSTER. Mr. Speaker, I would like to know if the gentleman from Georgia is opposed to the bill.

The SPEAKER. Is the gentleman from Georgia opposed to the bill?

Mr. RODDENBERY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is it necessary to be opposed to the bill in order to submit a motion to recommit?

The SPEAKER. It is necessary for the Speaker to ascertain in order to give preference to some person who is opposed to it, provided there is any such person in the House.

Mr. RODDENBERY. Until such question arises, is it in order for a Member offering a motion to recommit to be called upon to state his position?

The SPEAKER. It is the duty of the Speaker to ask any person offering a motion to recommit if he is opposed to the bill.

Mr. RODDENBERY. The rules of the House, Mr. Speaker, require me to reverse my attitude on the bill; and I am opposed to it.

The SPEAKER. The Clerk will read the motion to recommit.

The Clerk read as follows:

Mr. RODDENBERY moves to recommit the bill to the committee with instructions that it report back forthwith the following amendment: "Amend, section 4, page 3, by inserting after the word 'employees,' in line 10, the following: 'to inquire into the effect on employer and employee of the importation and immigration of pauper labor from foreign countries, and especially the extent and effect of such importation and immigration since the report of the late Immigration Commission.'"

Mr. MANN. Mr. Speaker, I make the point of order that the motion is not in order in that it proposes an amendment that is not germane to the bill. There is nothing in the bill in reference to pauper labor or immigration, and it introduces an entirely new proposition.

The SPEAKER. The Chair thinks that the motion to recommit is in order. Section 4 is very comprehensive.

The question is on the motion to recommit with instructions.

The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question now is on passing the bill as amended.

The question was taken, and the bill as amended was passed.

On motion of Mr. WILSON of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. HOUSTON rose.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. WILSON of Pennsylvania. Mr. Speaker, I desire to call up H. R. 18787.

The SPEAKER. The Chair has recognized the gentleman from Tennessee.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to submit a conference report on the bill H. R. 19403, for printing until to-morrow.

Mr. MANN. Mr. Speaker, I think that had better go over until to-morrow.

Mr. HOUSTON. Mr. Speaker, I want to offer it only that it may be printed.

Mr. MANN. Let the gentleman from Tennessee wait until the gentleman from Pennsylvania calls up his other bill.

The SPEAKER. The gentleman from Illinois objects.

Mr. HOBSON. Mr. Speaker, I move that the House do now adjourn.

Mr. WATKINS. Mr. Speaker, we have already had three days taken up by the Committee on Labor, and other matter is being crowded out. I make the point of order that there is no quorum present.

The SPEAKER. The Speaker must rule according to the rules of the House. The gentleman from Pennsylvania is recognized.

Mr. WILSON of Pennsylvania. Mr. Speaker, I call up the bill H. R. 18787—

Mr. WATKINS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. If the gentleman from Louisiana will wait until the gentleman from Pennsylvania states what he desires, the Chair will take up the question raised by the gentleman from Louisiana.

Mr. WILSON of Pennsylvania. Mr. Speaker, I call up the bill H. R. 18787, relating to the limitation of the hours of daily service of laborers and mechanics upon a public work of the United States and of the District of Columbia, and so forth.

The SPEAKER. The gentleman from Louisiana makes the point of order that there is no quorum present.

Mr. HEFLIN. Mr. Speaker, I move that the House do now adjourn.

Mr. WILSON of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Pennsylvania. If this bill is required to be considered in Committee of the Whole, would the calling of it up in the House at this time give consideration of it on next Wednesday?

The SPEAKER. It would not. The Chair looked up that very point with reference to what might have been raised as a point of order here to-day, and he might as well state his own conclusion now as at any other time. If the bill should get into the Committee of the Whole, and then the committee rise, even having been in session only half a minute, and report it back to the House, it would then be the unfinished business.

Mr. WILSON of Pennsylvania. Then, Mr. Speaker, I ask that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill.

Mr. HEFLIN. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. I think there is a quorum present. The friends of labor will vote that motion down.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn.

The question was taken.

Mr. WILSON of Pennsylvania. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Pennsylvania demands the yeas and nays.

Mr. WILSON of Pennsylvania. Mr. Speaker, I will withdraw that demand and ask for a division.

The SPEAKER. The question is on the motion to adjourn, and the gentleman from Pennsylvania demands a division.

The House divided, and there were—ayes 78, noes 61.

Mr. WILSON of Pennsylvania. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Pennsylvania demands the yeas and nays. Those who favor ordering the yeas and nays will rise and stand until counted. [After counting.] Forty-three gentlemen have risen, a sufficient number, and the yeas and nays are ordered. The question is on the motion to adjourn, and the Clerk will call the roll.

Mr. MANN. And the friends of labor will vote "no."

The question was taken; and there were—yeas 20, nays 175, answered "present" 9, not voting 185, as follows:

YEAS—20.

Alexander	Claypool	Hammond	Richardson
Broussard	Cravens	Heflin	Saunders
Burnett	Davenport	McCreary	Stephens, Miss.
Cannon	Davis, W. Va.	Moore, Pa.	Turnbull
Clark, Fla.	Dent	Page	Watkins

Aiken, S. C.
Ainey
Allen
Anderson, Minn.
Anderson, Ohio
Ashbrook
Austin
Barnhart
Bathrick
Beall, Tex.
Bell, Ga.
Berger
Booher
Borland
Bowman
Brantley
Brown
Buchanan
Bulkley
Burgess
Burke, Wis.
Byrns, Tenn.
Calder
Candler
Carlin
Carter
Clayton
Cline
Connell
Conry
Cooper
Covington
Cox, Ind.
Cullop
Curley
Curry
Danforth
Davis, Minn.
Dickson, Miss.
Difenderfer
Dixon, Ind.
Donohoe
Doughton
Driscoll, D. A.

Browning
Fields
Foster

Adair
Adamson
Akin, N. Y.
Ames
Andrus
Ansberry
Anthony
Ayres
Barchfeld
Bartholdt
Bartlett
Bates
Blackmon
Boehne
Bradley
Burke, Pa.
Burke, S. Dak.
Burleson
Butler
Byrnes, S. C.
Callaway
Campbell
Cantrell
Cary
Catlin
Collier
Copley
Cox, Ohio
Crago
Crumpacker
Currier
Dalzell
Daugherty
Davidson
De Forest
Denver
Dickinson
Dies
Dodds
Doremus
Draper
Driscoll, M. E.
Dupré
Dwight
Ellerbe
Estopinal
Fairchild

So the motion to adjourn was not agreed to. The Clerk announced the following pairs: For the balance of the day: Mr. BLACKMON with Mr. HUMPHREY of Washington. Ending August 1: Mr. COX of Ohio with Mr. ANTHONY. Until further notice: Mr. AYRES with Mr. BARCHFELD. Mr. BURLESON with Mr. BARTHOLDT. Mr. BYRNES of South Carolina with Mr. BURKE of South Dakota.

NAYS—175.

James
Johnson, Ky.
Kendall
Kent
Kinkaid, Nebr.
Kinthead, N. J.
Konop
Korbly
Langham
Lee, Pa.
Levy
Lindbergh
Littlepage
Lobeck
Longworth
McDermott
McGillicuddy
McKellar
McKinney
Madden
Maguire, Nebr.
Maher
Martin, Colo.
Matthews
Mays
Morgan
Morrison
Moss, Ind.
Neeley
Norris
Nye
Oldfield
O'Shaunessy
Padgett
Pepper
Pickett
Porter
Post
Raker
Rauch
Relly
Robinson
Roddenbery
Rodenberg

ANSWERED "PRESENT"—9.

Gillett	McMorran	Peters
Hardwick	Mann	Riordan

NOT VOTING—185.

Ferris
Finley
Flood, Va.
Focht
Fordney
Fornes
Fuller
Gardner, N. J.
Garner
Garrett
Goeke
Graham
Green, Iowa
Greene, Mass.
Griest
Guernsey
Hamill
Hamilton, Mich.
Hamilton, W. Va.
Hanna
Harris
Harrison, Miss.
Hartman
Hay
Helm
Henry, Tex.
Higgins
Hill
Hinds
Howell
Howland
Hughes, Ga.
Hughes, W. Va.
Humphrey, Wash.
Humphreys, Miss.
Jackson
Johnson, S. C.
Jones
Kahn
Kennedy
Kindred
Kitchin
Knowland
Konig
Kopp
Lafean
Lafferty
La Follette
Lamb
Langley
Lawrence
Lee, Ga.
Legare
Lenroot
Lever
Lewis
Lindsay
Linthicum
Littleton
Lloyd
Loud
McCall
McCoy
McGuire, Okla.
McHenry
McKenzie
McKinley
McLaughlin
Macon
Martin, S. Dak.
Miller
Mondell
Moon, Pa.
Moon, Tenn.
Moore, Tex.
Morse, Wis.
Mott
Murdoch
Murray
Needham
Nelson
Olmsted
Palmer
Parran
Patten, N. Y.
Patton, Pa.
Payne
Plumley
Pou
Powers
Pray
Prince
Prouty
Pujo
Rainey
Randell, Tex.
Ransdell, La.
Redfield
Rees
Reyburn
Roberts, Mass.
Roberts, Nev.
Rucker, Mo.
Scully
Shackleford
Sharp
Sheppard
Sherley
Sherrwood
Simmons
Sisson
Slemp
Sloan
Smith, J. M. C.
Smith, Saml. W.
Smith, Cal.
Smith, Tex.
Sparkman
Stack
Steenerson
Stephens, Nebr.
Stevens, Minn.
Taggart
Talbot, Md.
Taylor, Ala.
Taylor, Ohio
Thistlewood
Thomas
Tilson
Underwood
Vare
Vreeland
Warburton
Wilder
Wilson, Ill.
Witherspoon
Wood, N. J.
Young, Mich.

Mr. FINLEY with Mr. CURRIER.
 Mr. DOUGHERTY with Mr. CATLIN.
 Mr. DENVER with Mr. COPLEY.
 Mr. DICKINSON with Mr. DALZELL.
 Mr. DOREMUS with Mr. DE FOREST.
 Mr. DUPRÉ with Mr. DODDS.
 Mr. ESTOPINAL with Mr. FAIRCHILD.
 Mr. GARNER with Mr. FOCHT.
 Mr. GRAHAM with Mr. FULLER.
 Mr. HAMILL with Mr. GREENE of Massachusetts.
 Mr. HARRISON of Mississippi with Mr. HAMILTON of Michigan.
 Mr. HELM with Mr. HARTMAN.
 Mr. HENRY of Texas with Mr. HOWLAND.
 Mr. KITCHIN with Mr. KENNEDY.
 Mr. LAMB with Mr. KNOWLAND.
 Mr. LEE of Georgia with Mr. LAFEAN.
 Mr. LEVER with Mr. LAWRENCE.
 Mr. LEWIS with Mr. MCGUIRE of Oklahoma.
 Mr. LINTHICUM with Mr. MCKENZIE.
 Mr. LLOYD with Mr. MCKINLEY.
 Mr. MURRAY with Mr. MCLAUGHLIN.
 Mr. POU with Mr. MARTIN of South Dakota.
 Mr. RAINEY with Mr. MONDELL.
 Mr. RANDELL of Louisiana with Mr. MOTT.
 Mr. REDFIELD with Mr. MURDOCK.
 Mr. SHACKLEFORD with Mr. NEEDHAM.
 Mr. SISSON with Mr. OLMSTED.
 Mr. SMITH of Texas with Mr. PATTON of Pennsylvania.
 Mr. STACK with Mr. PLUMLEY.
 Mr. STEPHENS of Nebraska with Mr. PRAY.
 Mr. TAGGART with Mr. ROBERTS of Massachusetts.
 Mr. TAYLOR of Alabama with Mr. J. M. C. SMITH.
 Mr. WITHERSPOON with Mr. TAYLOR of Ohio.
 Mr. JONES with Mr. PAYNE.
 Mr. WOOD of New Jersey with Mr. HUGHES of Georgia.
 Mr. UNDERHILL with Mr. WILDER.
 Mr. ANSBERRY with Mr. BURKE of Pennsylvania.
 Mr. YOUNG of Texas with Mr. WILSON of Illinois.
 Mr. PETERS with Mr. MCCALL.
 Mr. FLOOD of Virginia with Mr. DRAPER.
 Mr. FOSTER with Mr. KOPP.
 Mr. RUCKER of Missouri with Mr. DYER.
 Mr. DIES with Mr. GARDNER of New Jersey.
 Mr. FERRIS with Mr. GUERNSEY.
 Mr. HAMILTON of West Virginia with Mr. HENRY of Connecticut.
 Mr. TALBOTT of Maryland with Mr. PARRAN.
 Mr. PATTEN of New York with Mr. REYBURN.
 Mr. SHARP with Mr. SELLS.
 Mr. SHERLEY with Mr. SIMMONS.
 Mr. SCULLY with Mr. BROWNING.
 Mr. FIELDS with Mr. LANGLEY.
 Mr. BOEHNE with Mr. HOWELL.
 Mr. SHERWOOD with Mr. MOON of Pennsylvania.
 Mr. MCCOY with Mr. HIGGINS.
 Mr. CANTRILL with Mr. HANNA.
 Mr. CALLAWAY with Mr. MICHAEL E. DRISCOLL.
 Mr. HUMPHREYS of Mississippi with Mr. ROBERTS of Nevada.
 Mr. ELLERBE with Mr. CRAGO.
 Mr. JOHNSON of South Carolina with Mr. GILLET.
 Mr. LEGARE with Mr. LOUD.
 Mr. LITTLETON with Mr. DWIGHT.
 Mr. PUJO with Mr. MCMORRAN.
 Mr. HARDWICK with Mr. CAMPBELL.
 Mr. CARTER with Mr. KAFIN.
 Mr. SHEPPARD with Mr. BATES.
 Mr. GARRETT with Mr. FORDNEY.
 Mr. ADAIR with Mr. HINDS.
 Mr. PALMER with Mr. HILL.
 Mr. SPARKMAN with Mr. DAVIDSON.
 Mr. KINDRED with Mr. GRIEST.
 Mr. RANDELL of Texas with Mr. SMITH of California.
 Mr. THOMAS with Mr. VREELAND.
 For the session:
 Mr. SLAYDEN with Mr. TILSON.
 Mr. COLLIER with Mr. WOODS of Iowa.
 Mr. HOBSON with Mr. FAIRCHILD.
 Mr. BARTLETT with Mr. BUTLER.
 Mr. ADAMSON with Mr. STEVENS of Minnesota.
 Mr. UNDERWOOD with Mr. MANN.
 Mr. GLASS with Mr. SLEMP.
 Mr. RIORDAN with Mr. ANDRUS.
 Mr. FORNES with Mr. BRADLEY.
 Mr. SISSON. Mr. Speaker, how am I recorded?
 The SPEAKER. The gentleman is not recorded.
 Mr. SISSON. I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall?

Mr. SISSON. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote of "no" and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

LIMITATION OF DAILY SERVICE OF LABORERS AND MECHANICS.

Mr. WILSON of Pennsylvania. Mr. Speaker, I desire to call up the bill H. R. 18787.

The SPEAKER. The House resolves itself automatically into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18787, and the gentleman from Alabama [Mr. CLAYTON] will take the chair.

Mr. CLAYTON took the chair amid applause.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 18787, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

Mr. WILSON of Pennsylvania. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CLAYTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. FLOOD of Virginia, by unanimous consent, was granted leave of absence for four days, on account of important business.

ADJOURNMENT.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned until Thursday, July 18, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GUDGER, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 25714) to amend "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," reported the same without amendment, accompanied by a report (No. 1015), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6283) increasing the cost of erecting a public building at Olympia, Wash., reported the same without amendment, accompanied by a report (No. 1017), which said bill and report were referred to the Committee of the Whole House in the state of the Union.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 25624) providing for the sale of the old post-office property at Providence, R. I., by public auction, reported the same without amendment, accompanied by a report (No. 1016), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 25751) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes, reported the same with amendment, accompanied by a report

(No. 1012), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 4838) to amend section 96 of the "act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1013), which said bill and report were referred to the House Calendar.

Mr. HOUSTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 25520) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1014), which said bill and report were referred to the House Calendar.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 1018), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. MCKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 24739) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army, reported the same with amendment, accompanied by a report (No. 1011), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 13283) granting a pension to Catherine Hudson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15108) granting a pension to Lizzie M. O'Sullivan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16764) granting a pension to Niels Pederson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17818) granting a pension to John E. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18180) granting a pension to James B. Mulford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22384) granting a pension to Mary B. Guillow; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLACKMON: A bill (H. R. 25803) to define and punish perjury in oaths used in the land offices of the United States of America; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: A bill (H. R. 25804) to suspend the levying and collection of taxes or duties upon cattle, swine, and sheep, and beef, mutton, lamb, pork, and other meats intended for use as human food; to the Committee on Ways and Means.

By Mr. HOWARD: A bill (H. R. 25805) to promote the efficiency of the Marine Band; to the Committee on Naval Affairs.

By Mr. LEVY: A bill (H. R. 25806) to provide for the entry under bond of exhibits of arts, sciences, and industries; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: A bill (H. R. 25807) granting certain lands to the city of Grand Junction, Colo.; to the Committee on the Public Lands.

By Mr. BORLAND: A bill (H. R. 25808) to provide for furnishing modern, approved, and efficient artificial limbs and apparatus for resection to persons injured in the United States service; to the Committee on Military Affairs.

By Mr. MATTHEWS: A bill (H. R. 25809) to prevent the desecration of the flag of the United States of America, and prohibit the display of foreign flags and the red flag, except in subordination to the same; to the Committee on the Judiciary.

By Mr. PETERS: A bill (H. R. 25810) authorizing the War Department to test upon ships a device for hoisting and lower-

ing lifeboats at sea; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 25821) to amend an act entitled "An act to set apart a certain tract of land in the State of California as forest reservations," approved October 1, 1890, by changing the north and west boundaries of said tract and excluding therefrom certain lands, and to attach and include a part of said excluded lands in the Stanislaus National Forest and a part thereof in the Sierra National Forest; to the Committee on the Public Lands.

By Mr. CRAVENS: Resolution (H. Res. 635) providing for two additional clerks to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. SMITH of New York: Resolution (H. Res. 636) amending the rules of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 25811) to refund to Ryley-Wilson Grocer Co. penalty collected on corporation tax; to the Committee on Claims.

By Mr. CLINE: A bill (H. R. 25812) granting an increase of pension to Elizabeth Lane; to the Committee on Invalid Pensions.

By Mr. COOPER (by request): A bill (H. R. 25813) for the relief of Bishop T. Raymond; to the Committee on Claims.

Also, a bill (H. R. 25814) granting a pension to Elizabeth Cumming; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 25815) granting a pension to Louisa McClure; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25816) granting a pension to Mrs. Charles H. Crist; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 25817) granting a pension claim to Robert M. McCormick; to the Committee on Claims.

By Mr. MATTHEWS: A bill (H. R. 25818) for the relief of Patrick H. McGee; to the Committee on Military Affairs.

By Mr. NEELEY: A bill (H. R. 25819) for the relief of the estate of Levi Fellers, deceased; to the Committee on War Claims.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25820) granting an increase of pension to William M. McIntosh; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 25822) granting a pension to Elizabeth F. Brubaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25823) granting an increase of pension to Sarah R. Stutler; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Polish Society No. 565, State of Indiana, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Memorial of the Chamber of Commerce of Cleveland, Ohio, favoring appropriation for the Department of State for an increase in the efficiency of the Bureau of Trade Relations; to the Committee on Appropriations.

Also, petition of C. B. Feasel and 13 others, of Dalton, Ohio, against passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the Shorthand Club of New York, against passage of the Slomp bill relative to court reporters; to the Committee on the Judiciary.

By Mr. BUTLER: Petition of Horace C. Hanbow, of Philadelphia, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Brookhaven Grange, No. 1173, Patrons of Husbandry, of Wallingford, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Farmers' Council, No. 953, Order Independent Americans, of Marshallton, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CATLIN: Memorial of the United Garment Workers of America, Local Union No. 67, of St. Louis, Mo., favoring passage of House bill 23673, known as the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the board of directors of the Merchants' Exchange of St. Louis, Mo., favoring passage of Senate bill 6810, known as the Pomerene Senate substitute bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of St. Louis, Mo., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CLINE: Papers to accompany bill granting an increase of pension to Elizabeth Lane; to the Committee on Invalid Pensions.

By Mr. DYER: Memorial of the Board of Directors of the Merchants' Exchange of St. Louis, Mo., favoring passage of Senate bill 6810, known as the Pomerene Senate substitute bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Washington Chamber of Commerce, concerning legislation for the District of Columbia; to the Committee on the District of Columbia.

By Mr. KINKEAD of New Jersey: Petition of William C. Meehan, of Jersey City, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ROBINSON: Papers to accompany House bill 24193; to the Committee on the Public Lands.

By Mr. SABATH: Memorial of Odessa Unter Varin, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Memorial of the Chamber of Commerce of Cleveland, Ohio, favoring the continuance of the Bureau of Trade Relations in the Department of State and asking an appropriation therefor; to the Committee on Appropriations.

SENATE.

THURSDAY, July 18, 1912.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 21094) to create a Commission on Industrial Relations, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 774, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station in said District, the original having been lost or mislaid. (H. Res. 634.)

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore (Mr. GALLINGER) presented a resolution adopted by the Wholesale Grass Seed Dealers' Association Convention, held at Chicago, Ill., June 25, 1912, favoring the enactment of legislation to prohibit the admission of certain adulterated seeds and seeds unfit for seeding purposes without the proposed Senate amendment to section 4, which was ordered to lie on the table.

Mr. PERKINS. I present a large number of petitions in the forms of telegrams signed by 800 members of the Chamber of Commerce of San Francisco and other representative citizens of California, praying that legislation as to tolls on American vessels passing through the Panama Canal shall be such as to insure free competition, and remonstrating against any action which would limit an American vessel, irrespective of ownership, in the amount of coastwise cargo she can carry when engaged in transoceanic trade, and declaring dangerous and unjust the concluding provision of paragraph 1, section 11, of the canal bill, which reads as follows:

That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo, in tonnage, is destined to or shipped from oriental or European ports.

I move that the petitions lie on the table:

The motion was agreed to.

Mr. SMITH of Arizona. I present resolutions adopted by members of the Mohave County Medical Society, of Arizona, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

KINGMAN, ARIZ., May 30, 1912.

To Hon. MARCUS A. SMITH.

United States Senate, Washington, D. C.:

At a meeting of the Mohave County Medical Society, held on May 28, 1912, the following resolutions were adopted and are respectfully submitted:

Whereas Senate bill No. 1, known as the Owen bill, is soon to be voted upon; and

Whereas a very large proportion of the deaths throughout the country are due to preventable causes, a condition that is a disgrace to modern civilization, and needs corrective measures; a country's most valuable asset is the health of its citizens, and its most important product is its children; therefore does it behoove us to see that the health of our citizens is maintained and our children given their rightful energies by means of sanitary conditions;

Whereas it has been fully demonstrated that preventive medicine has made it possible to save lives by organized and coherent efforts, such as the world has witnessed in Cuba and the Panama Canal Zone, without which organization such efforts would have been futile. We believe that this stands as an example of what could be expected within our borders, by limiting preventable diseases if the efforts of our physicians were directed by proper organization such as the Owen bill contemplates;

Whereas our Government has appropriated vast sums of money for curbing diseases among horses, cattle, hogs, and plants, and no adequate sum for the conservation of the health of its citizens; and

Whereas the opponents of the Owen bill have claimed that the intent of the measure is to make a "medical trust" which will preclude a citizen from employing a medical advisor of choice; we refute this argument of the patent medicine vendors and of those sects professing to heal, who have no knowledge of sanitary conditions, and will not report contagious diseases as set forth in our health laws. And inasmuch as the object of this bill is to prevent disease and is of a strictly sanitary nature, without any reference whatever to the treatment of disease, it is evident that their argument is selfish, and purely mercenary without any idea of public welfare: Therefore be it

Resolved, That the Mohave County Medical Society petition the honorable Senators for the State of Arizona to give the Owen bill their most hearty support.

W. H. BUCHER, M. D., President.

A. M. COWIE, M. D., Secretary.

Mr. FLETCHER presented a petition of members of the Wholesale Grocers' Association of Jacksonville, Fla., praying for the passage of the so-called weight or measure branding bill, which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of Columbian Division, No. 519, Brotherhood of Locomotive Engineers, of Chicago, Ill., and a petition of the Illinois State Legislative Board, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry employees of the National Printing & Publishing Co., of Chicago, Ill., remonstrating against the enactment of legislation to increase the postal rates on printed matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Proviso, Ill., praying for the enactment of legislation to prohibit the use of insignia or garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

Mr. PENROSE presented resolutions adopted by members of the Aero Club of Pennsylvania, favoring the enactment of legislation for the regulation and control of the navigation of the air by all forms of air craft and for the issuance of licenses under governmental supervision, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of the Record Publishing Co., of Derry, N. H., and a memorial of the Inquirer Job Printing Co., of Cincinnati, Ohio, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the Illinois Manufacturers' Association, remonstrating against the enactment of legislation to define and punish contempt of court, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (H. R. 23043) to patent certain semiarid lands to Luther Burbank under certain conditions, reported it without amendment and submitted a report (No. 944) thereon.

He also, from the same committee, to which was referred the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes,